OFFICIAL JOURNAL OF THE

SENATE

STATE OF LOUISIANA

TWENTY-FIFTH DAY'S PROCEEDINGS

Thirty-First Regular Session of the Legislature Under the Adoption of the Constitution of 1974

> Senate Chamber State Capitol Baton Rouge, Louisiana

> > Tuesday, June 7, 2005

The Senate was called to order at 1:30 o'clock P.M., by Hon. Donald E. Hines, President of the Senate.

ROLL CALL

The roll being called, the following members answered to their

PRESENT

Mr. President	Duplessis	Lentini
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Hollis	Schedler
Cheek	Jackson	Smith
Cravins	Jones	Theunissen
Dardenne	Kostelka	Ullo

Total - 36

ABSENT

Malone

Total - 1

The President of the Senate announced there were 36 Senators present and a quorum.

Prayer

The prayer was offered by Pastor Ricky Sinclair, following which the Senate joined in pledging allegiance to the flag of the United States of America.

Reading of the Journal

On motion of Senator Bajoie, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

Morning Hour

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

CONCURRING IN SENATE CONCURRENT RESOLUTIONS

June 6, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 84—BY SENATOR NEVERS

A CONCURRENT RESOLUTION

To honor the Foster Parents of the Year 2005 in each region of the state and to express the appreciation of the legislature for their valuable contribution to strengthening family life in Louisiana.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 89—BY SENATOR HINES

A CONCURRENT RESOLUTION
To commend the Tunica-Biloxi Tribe of Louisiana for its people, culture, and history, acknowledge its many contributions to the state, and proclaim June 8, 2005, as "Tunica-Biloxi Day."

Reported without amendments.

Respectfully submitted, ALFRED W. SPEER Clerk of the House of Representatives

Privilege Report of the Legislative Bureau

June 7, 2005

To the President and Members of the Senate:

I am directed by your Legislative Bureau to submit the following report:

The following bills are approved as to construction and

HOUSE BILL NO. 423—
BY REPRESENTATIVES BRUNEAU, LANCASTER, PITRE, JEFFERSON, LAFONTA, CAZAYOUX, AND FAUCHEUX AN ACT

To amend and reenact R.S. 18:3(C), 110(B)(3), 115(F), 423(D), 462(B), 493, 533(D), 563(D) and (E), 566.2(B), 573(A)(3) and (D), 591, 601, 602(A), (B), (C), (E)(2)(a), and (F), 604(B)(1) and (2)(a), 621(A)(2), 1307(B)(2), (D), and (E), 1309(D)(1), 1311(D)(1), 1314, 1400.3(D)(1), and 1402(A), (B)(1), and (C) and to enact R.S. 18:502.1, 563(F), 1307(F), 1461(A)(23), and 1485(D), relative to the Election Code; to provide for the verification by registrars of voters of signatures on petitions; to provide relative to when a change in registration becomes effective after a voter changes his residence; to provide relative to the manner of qualifying for certain offices; to provide for students at an institution of higher learning outside of their parish of residence to register to vote absentee by mail and to vote as such without first appearing in the office of the registrar; to provide for a person who appears in the office of the registrar to establish his identity prior to the absentee in person voting period to vote absentee by mail; to provide relative to the personnel of certain parish boards of election supervisors; to specify the deadline for objections to candidacy; to provide relative to payment for use of private property as a polling place; to require the appropriate clerk of court to provide notice at the appropriate polling places of a candidate who has withdrawn but whose name appears on the ballot; to prohibit the use of certain electronic communication devices while voting and to exempt certain electronic communication devices used for assisted voting; to provide relative to the use of absentee commissioners or commissioners for the counting and tabulation of provisional ballots; to provide relative to the procedures for the opening and inspection of voting machines after the election; to provide relative to the deadlines for making appointments and issuing proclamations to fill vacancies in certain offices; to provide relative to selecting an election date for filling a vacancy in the office of constable or marshal; to provide relative to the deadline for submitting an application to vote by mail for certain hospitalized persons and the handling of such voters' absentee ballots; to provide relative to compensation of certain temporary employees in the registrars' offices; to provide

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relative to identification of voters who vote absentee in person; to provide relative to proper parties to objections to candidacy and election contests; to provide for an election offense relative to the untimely submission of voter registration applications; to provide relative to campaign finance filings submitted to the supervisory committee; and to provide for related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 423 by Representative Bruneau

AMENDMENT NO.1

In Senate Committee Amendment No. 14 proposed by the Senate Committee on Senate and Governmental Affairs and adopted by the Senate on June 6, 2005, on page 2, line 1, change "not exceed" to

AMENDMENT NO. 2

On page 11, line 14, change "R. S. 18:581(1)" to "R. S. 18:581"

Respectfully submitted, ARTHUR J. "ART" LENTINI Chairman

Introduction of Senate Concurrent Resolutions

The following Senate Concurrent Resolutions, were introduced and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 91— BY SENATORS JONES AND KOSTELKA AND REPRESENTATIVE THOMPSON

A CONCURRENT RESOLUTION

To recognize and commend Mary Ann Riddle, an educator at Ouachita Parish High School in Monroe, upon being selected to participate as a Practitioner of Legislative Civic Education in the 'Appreciating Legislatures" pilot program.

The resolution was read by title. Senator Jones moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Michot
Adley	Fields	Murray
Amedee	Fontenot	Nevers
Bajoie	Gautreaux B	Romero
Barham	Gautreaux N	Smith
Broome	Hollis	Theunissen
Cain	Jones	Ullo
Chaisson	Kostelka	

Dupre Marionneaux

Total - 25

NAYS

Total - 0

ABSENT

Boasso	Duplessis	Malone
Cheek	Heitmeier	McPherson
Cravins	Jackson	Mount
Dardenne	Lentini	Schedler
Total - 12		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

25th DAY'S PROCEEDINGS

Senate Resolutions on Second Reading to be Referred

The following Senate Resolutions were read and referred to committees as follows:

SENATE RESOLUTION NO. 117—

BY SENATOR MARIONNEAUX

A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army National Guardsman Sergeant Robin V. Fell upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and returned to the Calendar, subject to call.

Messages from the House

The following Messages from the House were received and read

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

June 7, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

HOUSE BILL NO. 71— BY REPRESENTATIVES BRUCE AND PINAC

AN ACT

To enact R.S. 37:3393(H)(7), relative to real estate appraisers; to provide for an exemption from license requirements; and to provide for related matters.

HOUSE BILL NO. 370— BY REPRESENTATIVES FAUCHEUX AND GARY SMITH A JOINT RESOLUTION

Proposing to amend Article VII, Section 18(G)(1)(a)(i) and (2)(a) and to add Article VII, Section 18(G)(1)(a)(iv) of the Constitution of Louisiana, relative to ad valorem taxation; to create a special assessment level for persons designated as disabled by the United States Social Security Administration; to provide for submission of the proposed amendment to the electors; to provide a ballot proposition; and to provide for related matters.

HOUSE BILL NO. 429—

BY REPRESENTATIVES HONEY, BADON, BURRELL, K. CARTER, CRANE, CURTIS, DEWITT, FAUCHEUX, GRAY, JEFFERSON, MCDONALD, ODINET, AND M. POWELL

AN ACT

To amend and reenact R.S. 17:54(B)(1) and (C), relative to local

public school superintendents; to provide relative to qualifications; to provide for the initial employment of a superintendent of schools by a city, parish, or other local public school board and for the employment of the superintendent for a subsequent term; to provide relative to written employment contracts for such purposes, including guidelines for the content of such contracts; to provide relative to superintendents who choose not to enter into subsequent contracts; to provide relative to termination of employment, including specifying grounds for such removal during the term of a contract, time lines, and guidelines for the giving of notice of termination, and the use of certain due process procedures; to provide for the negotiation and offering by a school board of a new contract at the expiration of an existing contract; to provide for exceptions; to provide for applicability; to provide for an effective date; and to provide for related matters.

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HOUSE BILL NO. 542—
BY REPRESENTATIVES JOHNS, GEYMANN, E. GUILLORY, KLECKLEY, AND MORRISH AND SENATORS MOUNT AND THEUNISSEN AN ACT

To amend and reenact R.S. 33:4574.1.1(A)(25) and 4574.11(B)(1), (C), and (E)(2) and to enact R.S. 33:4574.1.1(O), relative to the Southwest Louisiana Convention and Visitors Bureau; to authorize the governing authority of the bureau to increase the hotel occupancy tax; to provide relative to the use of certain proceeds resulting from the increase in the rate of the tax; to provide with respect to the tax on complimentary hotel rooms; to further provide with respect to the governing authority of the bureau and its membership; and to provide for related matters.

HOUSE BILL NO. 573—
BY REPRESENTATIVES KENNARD, ANSARDI, DORSEY, RITCHIE, AND STRAIN

A JOINT RESOLUTION

Proposing to amend Article VII, Section 18(G)(1)(a)(i) and (2)(a) and to add Article VII, Section 18(G)(1)(a)(iv) of the Constitution of Louisiana; to provide for a special assessment level for homestead exempt property owned by honorably discharged disabled military veterans for ad valorem tax purposes based upon the extent of the disability; to provide for submission of the proposed amendment to the electors; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 675-

BY REPRESENTATIVE BEARD

AN ACT
To amend and reenact R.S. 40:1299.58.2(14) and (15) and 1299.58.3(C)(1) and (3) and to enact R.S. 40:1299.58.2(16), relative to living wills; to define spouse; to provide for the illustrative form; and to provide for related matters.

HOUSE BILL NO. 761— BY REPRESENTATIVE WHITE

AN ACT

To enact R.S. 22:676, relative to motor vehicle insurance provisions; to provide for total loss; to provide for airbags; and to provide for related matters.

> Respectfully submitted, ALFRED W. SPEER Clerk of the House of Representatives

House Bills and Joint Resolutions on First Reading

The following House Bills and Joint Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

HOUSE BILL NO. 71-

BY REPRESENTATIVES BRUCE AND PINAC

AN ACT

To enact R.S. 37:3393(H)(7), relative to real estate appraisers; to provide for an exemption from license requirements; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 370-

BY REPRESENTATIVES FAUCHEUX AND GARY SMITH A JOINT RESOLUTION

Proposing to amend Article VII, Section 18(G)(1)(a)(i) and (2)(a) and to add Article VII, Section 18(G)(1)(a)(iv) of the Constitution of Louisiana, relative to ad valorem taxation; to create a special assessment level for persons designated as disabled by the United States Social Security Administration; to provide for submission of the proposed amendment to the electors; to provide a ballot proposition; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 429—

BY REPRESENTATIVES HONEY, BADON, BURRELL, K. CARTER, CRANE, CURTIS, DEWITT, FAUCHEUX, GRAY, JEFFERSON, MCDONALD, ODINET, AND M. POWELL

AN ACT

To amend and reenact R.S. 17:54(B)(1) and (C), relative to local public school superintendents; to provide relative to qualifications; to provide for the initial employment of a superintendent of schools by a city, parish, or other local public school board and for the employment of the superintendent for a subsequent term; to provide relative to written employment contracts for such purposes, including guidelines for the content of such contracts; to provide relative to superintendents who choose not to enter into subsequent contracts; to provide relative to termination of employment, including specifying grounds for such removal during the term of a contract, time lines, and guidelines for the giving of notice of termination, and the use of certain due process procedures; to provide for the negotiation and offering by a school board of a new contract at the expiration of an existing contract; to provide for exceptions; to provide for applicability; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 542-

BY REPRESENTATIVES JOHNS, GEYMANN, E. GUILLORY, KLECKLEY, AND MORRISH AND SENATORS MOUNT AND THEUNISSEN

AN ACT

To amend and reenact R.S. 33:4574.1.1(A)(25) and 4574.11(B)(1), (C), and (E)(2) and to enact R.S. 33:4574.1.1(O), relative to the Southwest Louisiana Convention and Visitors Bureau; to authorize the governing authority of the bureau to increase the hotel occupancy tax; to provide relative to the use of certain proceeds resulting from the increase in the rate of the tax; to provide with respect to the tax on complimentary hotel rooms; to further provide with respect to the governing authority of the bureau and its membership; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 573-

BY REPRESENTATIVES KENNARD, ANSARDI, DORSEY, RITCHIE, AND STRAIN

A JOINT RESOLUTION

Proposing to amend Article VII, Section 18(G)(1)(a)(i) and (2)(a) and to add Article VII, Section 18(G)(1)(a)(iv) of the Constitution of Louisiana; to provide for a special assessment level for homestead exempt property owned by honorably discharged disabled military veterans for ad valorem tax purposes based upon the extent of the disability; to provide for submission of the proposed amendment to the electors; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 675-

BY REPRESENTATIVE BEARD

AN ACT

To amend and reenact R.S. 40:1299.58.2(14) and (15) and 1299.58.3(C)(1) and (3) and to enact R.S. 40:1299.58.2(16), relative to living wills; to define spouse; to provide for the illustrative form; and to provide for related matters.

The bill was read by title; lies over under the rules.

House Bills and Joint Resolutions

Senator Bajoie asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just received from the House of Representatives with the view of acting on the same:

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HOUSE BILL NO. 761— BY REPRESENTATIVE WHITE

AN ACT

To enact R.S. 22:676, relative to motor vehicle insurance provisions; to provide for total loss; to provide for airbags; and to provide for related matters.

On motion of Senator Cain, the bill was read by title and referred to the Committee on Insurance.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

ASKING CONCURRENCE IN HOUSE CONCURRENT RESOLUTIONS

June 7, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 22— BY REPRESENTATIVES JEFFERSON AND BURRELL A CONCURRENT RESOLUTION

To authorize and direct the Louisiana Department of Public Safety and Corrections to create a system to notify individuals convicted of a felony who have completed their terms of confinement or parole relative to the reinstatement of voter registration.

HOUSE CONCURRENT RESOLUTION NO. 166-

BY REPRESENTATIVES GALLOT, MONTGOMERY, AND DOWNS AND SENATORS BARHAM AND KOSTELKA

A CONCURRENT RESOLUTION

To commend Willis Reed upon being hired as vice president of basketball operations with the New Orleans Hornets.

HOUSE CONCURRENT RESOLUTION NO. 167— BY REPRESENTATIVES CROWE AND SCHNEIDER AND SENATORS BOASSO AND SCHEDLER

A CONCURRENT RESOLUTION

To urge and request the Base Realignment and Closure Commission to reject the Defense Department's recommendation to close the Defense Information Systems Agency (DISA) site in Slidell.

HOUSE CONCURRENT RESOLUTION NO. 168— BY REPRESENTATIVE DANIEL

A CONCURRENT RESOLUTION

To commend the Republic of China (Taiwan) for its close economic and business ties with the state of Louisiana and to urge and request the president to direct the United States Trade Representative to negotiate a free trade agreement between the United States and Taiwan.

HOUSE CONCURRENT RESOLUTION NO. 171— BY REPRESENTATIVE HILL AND SENATOR HINES A CONCURRENT RESOLUTION

To commend Beau Vidrine of Oakdale High School upon his selection as a representative of south Louisiana at the Hugh O'Brian World Leadership Congress in July in Washington,

> Respectfully submitted, ALFRED W. SPEER Clerk of the House of Representatives

25th DAY'S PROCEEDINGS

House Concurrent Resolutions on First Reading

The following House Concurrent Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

HOUSE CONCURRENT RESOLUTION NO. 22— BY REPRESENTATIVES JEFFERSON AND BURRELL A CONCURRENT RESOLUTION

To authorize and direct the Louisiana Department of Public Safety and Corrections to create a system to notify individuals convicted of a felony who have completed their terms of confinement or parole relative to the reinstatement of voter registration.

The resolution was read by title; lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 166—
BY REPRESENTATIVES GALLOT, MONTGOMERY, AND DOWNS AND SENATORS BARHAM AND KOSTELKA

A CONCURRENT RESOLUTION

To commend Willis Reed upon being hired as vice president of basketball operations with the New Orleans Hornets.

The resolution was read by title; lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 167— BY REPRESENTATIVES CROWE AND SCHNEIDER AND SENATORS BOASSO AND SCHEDLER

A CONCURRENT RESOLUTION

To urge and request the Base Realignment and Closure Commission to reject the Defense Department's recommendation to close the Defense Information Systems Agency (DISA) site in Slidell.

The resolution was read by title; lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 168—

BY REPRESENTATIVE DANIEL
A CONCURRENT RESOLUTION

To commend the Republic of China (Taiwan) for its close economic and business ties with the state of Louisiana and to urge and request the president to direct the United States Trade Representative to negotiate a free trade agreement between the United States and Taiwan.

The resolution was read by title; lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 171— BY REPRESENTATIVE HILL AND SENATOR HINES A CONCURRENT RESOLUTION

To commend Beau Vidrine of Oakdale High School upon his selection as a representative of south Louisiana at the Hugh O'Brian World Leadership Congress in July in Washington,

The resolution was read by title; lies over under the rules.

House Bills and Joint Resolutions on Second Reading to be Referred

The following House Bills and Joint Resolutions were read by title and referred to committees as follows:

HOUSE BILL NO. 36-

BY REPRESENTATIVE FARRAR

AN ACT

To enact R.S. 22:215.12, relative to health insurance; to require health insurance policies, contracts, and plans to provide coverage for colorectal cancer screening; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Insurance.

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HOUSE BILL NO. 86— BY REPRESENTATIVE WALKER

AN ACT
To appropriate funds out of the General Fund of the state of Louisiana for Fiscal Year 2005-2006 to be used to pay the judgment in the suit entitled "Bryan Joseph Mayeux, et ux v. Lambert's Contractors, Inc., et al."; to provide for interest; to provide for court costs and expert fees; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Finance.

HOUSE BILL NO. 120— BY REPRESENTATIVES HILL AND BEARD

AN ACT

To enact R.S. 17:3048.1(Q)(5) and (V)(3), to provide relative to minimum scores on specified tests that are required of certain home study students to be eligible for Tuition Opportunity Program for Students awards; to provide for effectiveness; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Education.

HOUSE BILL NO. 228— BY REPRESENTATIVE JEFFERSON

AN ACT

To amend and reenact Code of Criminal Procedure Articles 270(A) and 271(A) and (B), relative to bail in extradition cases; to provide with respect to bail in extradition cases; to provide with respect to eligibility; to provide for a contradictory hearing in certain cases; to prohibit bail once a warrant is issued; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary C.

HOUSE BILL NO. 301-

BY REPRESENTATIVE HAMMETT

AN ACT

To enact R.S. 47:301(7)(j), relative to state and local sales and use taxes; to define lease or rental to include the lease or rental in an arms length transaction of a crane and related equipment with or without an operator; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 480— BY REPRESENTATIVE ARNOLD

AN ACT

To enact R.S. 47:1925.8, relative to the Board of Assessors for Orleans Parish; to provide for a means of funding for the Board of Assessors for Orleans Parish; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 564— BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact R.S. 4:732(A)(2), (B), (E)(2) and (5), and (G), to enact R.S. 4:706(D) and 724(I), and to repeal R.S. 4:732(F), relative to the Charitable Raffles, Bingo and Keno Licensing Law; to increase the mega jackpot for a progressive bingo game; to remove requirement that jackpot cap be reached before contributions can be made to the backup or second progressive jackpot; to increase the amount per game participating organizations may contribute per game if the progressive jackpot cap is raised; to remove population restrictions on parishes which can participate in progressive mega jackpot games; to repeal provision of law requiring progressive mega jackpot games and progressive jackpot games be mutually exclusive; to provide with respect to the authority of local

governments to restrict or prohibit electronic video bingo; to provide that the term bingo includes electronic video bingo for purposes of decisions to permit charitable raffles, bingo, and keno by local governing authorities; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary B.

HOUSE BILL NO. 587— BY REPRESENTATIVE ODINET

AN ACT

To enact R.S. 56:431.1, relative to oyster leases; to authorize the use of devices to protect oysters from predation on oyster leases; to provide for permitting and regulating such devices; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Natural Resources.

HOUSE BILL NO. 598— BY REPRESENTATIVE LAFONTA

AN ACT To amend and reenact R.S. 25:738(A), 752, and 760(A), relative to historic preservation; to provide for procedures for approval of applications for certificates of appropriateness for certain new construction in certain districts; to provide for the population of municipalities, parishes, and governmental units to which the law relative to historic preservation districts and historic landmarks commissions applies; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 636— BY REPRESENTATIVE DANIEL

AN ACT

To enact R.S. 33:225, relative to East Baton Rouge Parish; to provide relative to incorporated areas of the parish; to provide relative to the maintenance of roads, drainage, and utilities within such areas; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 640-

BY REPRESENTATIVE LAFONTA

AN ACT

To enact R.S. 47:1997.1, relative to the ad valorem tax in Orleans Parish; to provide for the payment of a fee to be charged to each tax recipient body to defray the cost of collection; to provide for the deposit and use of the proceeds of such fee; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Local and Municipal Affairs

HOUSE BILL NO. 642— BY REPRESENTATIVE JEFFERSON

AN ACT

To enact R.S. 15:1229.2, relative to the School Violence Prevention Training Program; to create the program under the jurisdiction of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice; to provide for the powers and duties of a committee to develop a program for training and certifying school security guards; to provide for funding; to allocate funds to local law enforcement agencies for school crime investigations; to require implementation of the program within six months of funding of the program after evaluation of a pilot test of the program; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary B.

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HOUSE BILL NO. 643-

BY REPRESENTATIVE ERDEY

AN ACT
To appropriate funds out of the General Fund of the state of Louisiana for Fiscal Year 2005-2006 to the First Circuit Court of Appeal for the state of Louisiana to provide for reimbursement of legal expenses of Jeffrey Hughes; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Finance.

HOUSE BILL NO. 651

USE BILL NO. 651—
BY REPRESENTATIVES K. CARTER, ALARIO, ALEXANDER, ANSARDI, BADON, BALDONE, BARROW, BAUDOIN, BOWLER, BRUCE, BURRELL, CAZAYOUX, CRAVINS, CURTIS, DANIEL, DARTEZ, DEWITT, DOERGE, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FAUCHEUX, FRITH, GALLOT, GRAY, GREENE, E. GUILLORY, HEBERT, HILL, HONEY, HOPKINS, HUNTER, HUTTER, JACKSON, KATZ, KENNARD, KENNEY, LAFLEUR, LAFONTA, LANCASTER, MARCHAND, MARTINY, MCDONALD, MONTGOMERY, MORRISH, ODINET, PIERRE, PINAC, PITRE, T. POWELL, QUEZAIRE, RICHMOND, RITCHE, ROBIDEAUX, SALTER, SCALISE, GARY SMITH, JANE SMITH, ST. GERMAIN, THOMPSON, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WINSTON, AND WRIGHT ANA CT

To enact R.S. 17:171, relative to health insurance status; to provide relative to procedures for providing for the release of certain information relative to health insurance eligibility to public health insurance programs that cover children; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Education.

HOUSE BILL NO. 659-

BY REPRESENTATIVE BEARD

AN ACT

To enact R.S. 39:1405(D), relative to the negotiated sales of bonds, notes, or certificates of the state and its boards, departments, commissions, authorities, and agencies; to provide for a priority order period for Louisiana retail purchasers of state bonds sold through negotiated sale; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 663—

BY REPRESENTATIVES GLOVER, BAYLOR, BOWLER, BRUCE, BURRELL, AND JACK SMITH

AN ACT

To enact R.S. 15:572.8, relative to the wrongful conviction and imprisonment; to create an application process for compensation for wrongful conviction and imprisonment; to provide for compensation; to create the Innocence Compensation Fund as a special fund in the state treasury; to provide for the deposit, use, and investment of monies in the fund; to provide for the funding of annuity contracts in certain circumstances; to provide procedures for filing an application; to provide for the period of time in which the application shall be filed; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary C.

HOUSE BILL NO. 829-

BY REPRESENTATIVE JACKSON

AN ACT

To enact Chapter 10 of Title 48 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 48:1451 through 1461, and to repeal R.S. 12:202.1(C), to create and provide for the Capital Area Transit System, which is to operate public transportation in East Baton Rouge Parish; to provide for the governing board of the system and its powers and duties; to provide for participation of other parishes in the public transportation system; to repeal the provisions of law relative to the existing public transportation system in East Baton Rouge Parish and to provide that the new entity is the successor of the existing entity; and to provide for related matters.

25th DAY'S PROCEEDINGS

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 868— BY REPRESENTATIVE TOWNSEND

AN ACT

To appropriate funds out of the General Fund of the state of Louisiana for Fiscal Year 2005-2006 to the Department of Social Services to provide for reimbursement of legal expenses of Andrew Mata; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Finance.

HOUSE BILL NO. 880-(Substitute for House Bill No. 431 by

Representative Lancaster)
BY REPRESENTATIVES LANCASTER, SALTER, ALARIO, DORSEY, GALLOT, AND HAMMETT AND SENATORS HINES, BAJOIE, HEITMEIER, AND MOUNT

AN ACT

To amend and reenact R.S. 44:4.1(B)(35), to enact Chapter 4 of Title V of the Children's Code, to be comprised of Articles 541 through 546, and to repeal Chapter 14 of Title 15 of the Louisiana Revised Statutes of 1950, comprised of R.S. 15:1461 through 1464, relative to information concerning children and their families; to provide that agencies providing services to children and their families and city, parish, or other local public school boards are authorized to request the release or exchange of information, data, reports, and records which are relevant and necessary to the performance of their respective duties to children and their families; to provide for procedures relative to the release of such information; to provide for procedures to be utilized when an agency or school board refuses or fails to provide for the release of such information; to require agencies to exercise due diligence in obtaining consent, authorization, waiver, court order, or an order from an administrative law judge to obtain information regarding children and their families; to provide with respect to confidentiality of such information; to provide with respect to immunity from liability; to provide relative to an exception in the public records law; to remove certain provisions specific to juveniles; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Senate and Governmental Affairs.

(Substitute for House Bill No. 566 by HOUSE BILL NO. 882— Representative R. Carter) BY REPRESENTATIVE R. CARTER

AN ACT

enact R.S. 22:2004.3, relative to health maintenance organizations; to provide with respect to coverage of certain services legally performed by chiropractors; to provide relative to discriminatory terminology; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Insurance.

HOUSE BILL NO. 883— (Substitute for House Bill No. 740 by Representative Hebert) BY REPRESENTATIVE HEBERT

AN ACT

To enact Chapter 36-B of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:2861 through 2870, relative to polysomnographic health professionals; to provide for the recognition of polysomnography as a separate and distinct profession; to provide for licensure of polysomnographic technologists and technicians; to provide for regulation of polysomnographic technologists, technicians, and individualsin-training; to provide for definitions; to provide for the powers and duties of the Louisiana State Board of Medical Examiners relative to polysomnographic technologists, technicians, and individuals-in-training; to provide for the creation of the Advisory Committee on Polysomnography; to provide for fees,

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person and practices not affected, and prohibited acts; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Health and Welfare.

HOUSE BILL NO. 885— (Substitute for House Bill No. 584 by Representative K. Carter) BY REPRESENTATIVES K. CARTER AND BOWLER

AN ACT
To amend and reenact R.S. 22:250.31 through 250.35, relative to health insurance claims; to provide relative to prompt payment of health insurance claims; to provide for definitions; to provide for standards for receipt and processing of nonelectronic and electronic claims; to provide relative to limitations on claim filing and audit; to provide for the regulatory authority of the commissioner of insurance; to provide relative to applicability; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Insurance.

HOUSE BILL NO. 886— (Substitute for House Bill No. 591 by Representative Jane Smith) BY REPRESENTATIVE JANE SMITH

AN ACT

To amend and reenact R.S. 17:100.1, relative to alternative educational programs for certain students; to require that certain adjudicated children and children in the custody of the office of youth development shall be counted by certain local public school boards for funding purposes under certain circumstances; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Education.

House Bills and Joint Resolutions on Second Reading to be Referred, Subject to Call

The following House Bills and Joint Resolutions were read by title and referred to committees as follows:

Called from the Calendar

Senator Cheek asked that House Bill No. 30 be called from the Calendar at this time.

HOUSE BILL NO. 30—

USE BILL NO. 30—
BY REPRESENTATIVES JACK SMITH, BARROW, BAUDOIN, BAYLOR, DOVE, GLOVER, JEFFERSON, LAMBERT, MCDONALD, RITCHIE, ALEXANDER, BALDONE, BRUCE, BURRELL, R. CARTER, CAZAYOUX, CRANE, CRAVINS, DAMICO, DANIEL, DARTEZ, DOERGE, DORSEY, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FRITH, GREENE, E. GUILLORY, M. GUILLORY, HEBERT, HILL, HONEY, HUTTER, JACKSON, JOHNS, KATZ, KENNARD, KENNEY, KLECKLEY, LAFLEUR, LAFONTA, MCVEA, MONTGOMERY, ODINET, PIERRE, PITRE, M. POWELL, T. POWELL, RICHMOND, ROMERO, SALTER, SCALISE, SHEPHERD, SMILEY, GARY SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, AND WRIGHT

AN ACT

To amend and reenact R.S. 33:1981(C)(1) and 2201(C)(1), relative to financial security of survivors of firemen and law enforcement officers; to provide for payments to surviving spouses; and to provide for related matters.

On motion of Senator Cheek, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

House Concurrent Resolutions on Second Reading

The following House Concurrent Resolutions were read and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 87— BY REPRESENTATIVE TUCKER A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals to study cost control mechanisms for the New Opportunities Waiver to ensure cost-effective administration and service delivery.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Health and Welfare.

HOUSE CONCURRENT RESOLUTION NO. 92— BY REPRESENTATIVE GARY SMITH A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to require financial institutions to notify consumers prior to publication of negative credit information and to allow adequate time for correction.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Commerce, Consumer Protection, and International Affairs.

HOUSE CONCURRENT RESOLUTION NO. 97— BY REPRESENTATIVE THOMPSON AND SENATOR ELLINGTON A CONCURRENT RESOLUTION

To urge and request the Louisiana Broadband Advisory Council to conduct any necessary pilot project relative to determining the true functionality and affordability of current and future broadband delivery technologies relative to broadband deployment.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Commerce, Consumer Protection, and International Affairs.

HOUSE CONCURRENT RESOLUTION NO. 103— BY REPRESENTATIVES M. GUILLORY AND FRITH AND SENATOR THEUNISSEN

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to advocate changes in the Federal Motor Carrier Safety Regulations, specifically 49 C.F.R. 383.3, relative to issuance of restricted commercial drivers' licenses, which currently prohibit aerial applicators from qualifying for issuance of such licenses.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Transportation, Highways and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 122— BY REPRESENTATIVE KLECKLEY

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to select the re-routing of West Prien Lake Road, also known as Louisiana Highway 1138-2, to intersect with the port road extension near or at the main entrance to the L'Auberge du Lac Hotel and Casino in Lake Charles, Louisiana, as a design-build demonstration project in order to expedite construction and alleviate extreme traffic congestion in the area.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Transportation, Highways and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 131—

BY REPRESENTATIVE BEARD

A CONCURRENT RESOLUTION

To recognize the inalienable right of parents to provide for the education of their children.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Education.

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HOUSE CONCURRENT RESOLUTION NO. 141— BY REPRESENTATIVE QUEZAIRE A CONCURRENT RESOLUTION

To urge and request the continued state funding of the Mississippi River Corridor Initiative (MRCI) on the campus of the University of New Orleans, which assists ports and related industries to succeed in the highly competitive development of international trade along the Mississippi River.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Transportation, Highways and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 145— BY REPRESENTATIVE CAZAYOUX A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to erect stop signs along Louisiana Highway 983, also known as Bueche Road, at its intersection with Louisiana Highway 620, also known as Section Road, in West Baton Rouge Parish to create a four-way stop at this intersection.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Transportation, Highways and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 146— BY REPRESENTATIVE M. GUILLORY AND SENATOR THEUNISSEN A CONCURRENT RESOLUTION

To urge and request the Department of Public Safety and Corrections, office of motor vehicles, and office of state police to petition the Federal Motor Carrier Safety Administration for an exemption from the federal regulations regarding the issuance of restricted commercial drivers' licenses for aerial applicators.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Transportation, Highways and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 148— BY REPRESENTATIVES QUEZAIRE, LAMBERT, AND SMILEY

A CONCURRENT RESOLUTION

To urge and request the governor and the Department of Economic Development to embrace and publicly support the Louisiana Transportation Center as proposed by the Louisiana Airport Authority.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Transportation, Highways and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 156— BY REPRESENTATIVE WINSTON AND SENATOR SCHEDLER

A CONCURRENT RESOLUTION

To commend Colin McCarthy of Saint Paul's School upon his selection as a representative of south Louisiana at the Hugh O'Brian World Leadership Congress in July in Washington,

The resolution was read by title. Senator Schedler moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

M D 'L	D	3.4
Mr. President	Dupre	Marionneaux
Adley	Dupre Ellington	McPherson
Amedee	Fontenot	Michot
Barham	Gautreaux B	Murray
Boasso	Gautreaux N	Nevers
Cain	Hollis	Romero
Chaisson	Jones	Schedler

Cheek Kostelka Smith Dardenne Lentini Theunissen **Duplessis** Malone Ullo

Total - 30

NAYS

Total - 0

ABSENT

Bajoie Fields Mount Broome Heitmeier Jackson

Cravins Total - 7

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 159— BY REPRESENTATIVE PITRE AND SENATOR DUPRE A CONCURRENT RESOLUTION

To commend Reggie Galjour of South Lafourche High School upon his selection as a representative of south Louisiana at the Hugh O'Brian World Leadership Congress in July in Washington,

Floor Amendments Sent Up

Senator Dupre sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dupre to Original House Concurrent Resolution No. 159 by Representative Pitre

AMENDMENT NO.1
On page 1, line 2, change "his" to "her"

AMENDMENT NO. 2 On page 2, lines 15 and 18, change "his" to "her"

AMENDMENT NO. 3

On page 2, line 20, change "he" to "she"

AMENDMENT NO. 4

On page 2, line 21, before "every" change "him" to "her" and before "future" change "his" to "her"

On motion of Senator Dupre, the amendments were adopted.

The resolution was read by title. Senator Dupre moved to concur in the amended House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

	_	
Mr. President	Dupre	McPherson
Adley	Ellington	Michot
Amedee	Fontenot	Murray
Bajoie	Gautreaux B	Nevers
Barham	Gautreaux N	Romero
Boasso	Hollis	Schedler
Chaisson	Kostelka	Smith
Cheek	Lentini	Theunissen
Dardenne	Malone	Ullo
D 1 '	·	

Duplessis Marionneaux

Total - 29 NAYS

Total - 0 ABSENT

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Broome Fields Jones Cain Heitmeier Mount Cravins Jackson

Total - 8

The Chair declared the Senate had concurred in the amended House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 160— BY REPRESENTATIVE WALKER AND SENATOR HINES A CONCURRENT RESOLUTION

To commend the Tunica-Biloxi Tribe of Louisiana for its many contributions to the state, its history and culture, and its people and to proclaim June 8, 2005, Tunica-Biloxi Day.

The resolution was read by title. Senator Hines moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Adley Amedee Bajoie Barham Boasso Cain Chaisson	Duplessis Dupre Ellington Fontenot Gautreaux B Gautreaux N Hollis Kostelka	McPherson Michot Murray Nevers Romero Schedler Smith Theunissen
Cuili		
Cheek	Lentini	Ullo
Cravins	Malone	
Dardenne	Marionneaux	

Total - 31

NAYS

Total - 0

ABSENT

Broome Heitmeier Jones Fields Mount Jackson

Total - 6

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 161— BY REPRESENTATIVE MARCHAND A CONCURRENT RESOLUTION

To recognize Tuesday, June 7, 2005, as Homer Adolphe Plessy Day.

The resolution was read by title. Senator Duplessis moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dardenne	Malone
Adley	Duplessis	Marionneaux
Amedee	Dupre	McPherson
Bajoie	Ellington	Michot
Barham	Fontenot	Murray
Boasso	Gautreaux B	Nevers
Broome	Gautreaux N	Romero
Cain	Heitmeier	Schedler
Chaisson	Hollis	Smith
Cheek	Kostelka	Theunissen
Cravins	Lentini	Ullo
TT 1 00		

Total - 33

NAYS

Total - 0

ABSENT

Fields Jones Jackson Mount

Total - 4

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 164—
BY REPRESENTATIVES HUNTER, BADON, BARROW, BAYLOR, BURRELL, K. CARTER, CRAVINS, CURTIS, DORSEY, GALLOT, GLOVER, GRAY, E. GUILLORY, HONEY, JACKSON, JEFFERSON, LAFONTA, MARCHAND, MORRELL, PIERRE, QUEZAIRE, RICHMOND, AND SHEPHERD AND SENATORS BAJOIE, BROOME, CRAVINS, DUPLESSIS, FIELDS, JACKSON, JONES, AND MURRAY
A CONCURRENT RESOLUTION
To commend the "Getting African Americans Hooked on Heart Healthy, Fating", marketing, campaign in recognition of life

Healthy Eating" marketing campaign in recognition of life threatening health issues facing Louisiana's African American community.

On motion of Senator Bajoie, the resolution was read by title and returned to the Calendar, subject to call.

HOUSE CONCURRENT RESOLUTION NO. 165— BY REPRESENTATIVE BURNS AND SENATOR SCHEDLER A CONCURRENT RESOLUTION

To commend Lindsay Brignac of Fontainebleau High School upon her selection as a representative of south Louisiana at the Hugh O'Brian World Leadership Congress in July in Washington,

The resolution was read by title. Senator Schedler moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley		Marionneaux
Amedee	Dupre Ellington	McPherson
Bajoie	Fontenot	Michot
Barham	Gautreaux B	Murray
Boasso	Gautreaux N	Nevers
Broome	Heitmeier	Romero
Cain	Hollis	Schedler
Chaisson	Jones	Smith
Cheek	Kostelka	Theunissen
Dardenne	Lentini	Ullo

Total - 33

NAYS

Total - 0

ABSENT

Cravins Jackson Fields Mount

Total - 4

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

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June 7, 2005

ENVIRONMENTAL QUALITY

Senator Fontenot, Chairman on behalf of the Committee on Environmental Quality, submitted the following report:

June 7, 2005

To the President and Members of the Senate:

I am directed by your Committee on Environmental Quality to submit the following report:

HOUSE BILL NO. 473— BY REPRESENTATIVE MCDONALD

AN ACT

To amend and reenact R.S. 30:2418(H)(introductory paragraph) and to enact R.S. 30:2418(H)(10), relative to fees collected on the sale of tires; to provide for exceptions from the fee on certain tire sales; and to provide for related matters.

Reported favorably.

Respectfully submitted, HEULETTE "CLO" FONTENOT Chairman

REPORT OF COMMITTEE ON

JUDICIARY C

Senator Chaisson, Chairman on behalf of the Committee on Judiciary C, submitted the following report:

June 7, 2005

To the President and Members of the Senate:

I am directed by your Committee on Judiciary C to submit the following report:

SENATE BILL NO. 320—

BY SENATORS HEITMEIER AND MURRAY AND REPRESENTATIVE TOOMY

To amend and reenact R.S. 16:51(A)(6), (35), and (38), relative to assistant district attorneys; to provide for additional assistant district attorneys for certain judicial districts; to provide for an effective date conditioned upon funding out of the State General Fund; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 51— BY REPRESENTATIVE DORSEY

AN ACT

To amend and reenact R.S. 14:40.2(A) and to enact R.S. 14:40.2(F), (G), and (H), relative to the crime of stalking; to require that the acts constituting the crime of stalking be intentional; to provide for exceptions; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 56—
BY REPRESENTATIVES KATZ, DOERGE, ST. GERMAIN, WINSTON, AND SCALISE AND SENATOR BOOME

AN ACT

To enact R.S. 14:46.2, relative to offenses against the person; to create the crime of human trafficking; to provide for criminal penalties; to provide for definitions; and to provide for related matters.

Reported with amendments.

25th DAY'S PROCEEDINGS

HOUSE BILL NO. 88—
BY REPRESENTATIVES JANE SMITH, BRUCE, BURRELL, CAZAYOUX, CRAVINS, HEATON, LAFLEUR, MORRELL, WHITE, WOOTON, AND SCALISE

AN ACT

To enact Chapter 6-B of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:641 through 647, relative to offenses against peace officers; to require registration of certain offenders who commit violent crimes against peace officers; to provide for definitions; to provide for the creation of a central registry; to provide for the transmission of registry information to the Louisiana Bureau of Criminal Identification and Information; to provide with respect to limitations of liability; to provide with respect to the failure to register; to provide for criminal penalties; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 101— BY REPRESENTATIVE T. POWELL

AN ACT

To amend and reenact R.S. 14:93.13(B) and to enact R.S. 14:93.12(B)(3) and R.S. 32:414(S), relative to offenses involving unlawful purchase or possession of alcoholic beverages; to provide with respect to criminal penalties for unlawful purchase or possession of alcoholic beverages; to authorize driver's license suspensions as additional criminal penalties; to provide relative to the issuance of a restricted driver's license; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 330-

BY REPRESENTATIVE HUNTER

AN ACT

To amend and reenact R.S. 15:529.1(B), relative to habitual offenders; to provide that multiple convictions which become final on the same day are considered to be one conviction for the purposes of the habitual offender law; and to provide for related

Reported favorably.

HOUSE BILL NO. 451—
BY REPRESENTATIVES GEYMANN AND DORSEY
AN ACT
Broadure Article 330.2 To enact Code of Criminal Procedure Article 330.2, relative to bail; to provide for the contradictory hearings prior to granting bail for certain sex offenders; to provide for definitions; to provide for the forms of bail for certain sex offenses; to provide for exceptions; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 769— BY REPRESENTATIVE CRAVINS

AN ACT

To enact R.S. 15:574.11(C) and (D), relative to judicial review of parole revocation decisions; to provide for appellate jurisdiction and procedure in district court for pleadings alleging a denial of a revocation hearing; to provide for a peremptive period; to provide for service of process; and to provide for related matters.

Reported with amendments.

Respectfully submitted, JOEL T. CHAISSON II Chairman

SUPPLEMENTAL REPORT REPORT OF COMMITTEE ON

REVENUE AND FISCAL AFFAIRS

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June 7, 2005

Senator Mount, Chairman on behalf of the Committee on Revenue and Fiscal Affairs, submitted the following report:

June 6, 2005

To the President and Members of the Senate:

I am directed by your Committee on Revenue and Fiscal Affairs to submit the following report:

HOUSE BILL NO. 78-

BY REPRESENTATIVES LAFLEUR, SALTER, ALARIO, DORSEY, AND HAMMETT AND SENATORS HINES, BAJOIE, HEITMEIER, AND MOUNT

 $AN\ ACT \\ To\ amend\ and\ reenact\ R.S.\ 47:305.50(B),\ relative\ to\ the\ state\ sales$ and use tax; to exempt fabrication, modification, or repairs of rail rolling stock; to provide for an effective date; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 90— BY REPRESENTATIVES BRUNEAU, ARNOLD, AND RICHMOND

AN ACT
To amend and reenact R.S. 47:305.40(A) and to enact R.S. 47:301(8)(f), relative to state and local sales and use taxes; to provide that certain carnival and nonprofit organizations participating in certain parades and purchases or sales of certain specialty items by such organizations are not subject to such taxes; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 239— BY REPRESENTATIVE HILL

AN ACT

To amend and reenact R.S. 47:2181.1, relative to sales of immovable property for delinquent taxes; to specify the location of the sale; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 513—

BY REPRESENTATIVES HAMMETT, BOWLER, DANIEL, DEWITT, ERDEY, FAUCHEUX, GEYMANN, HEATON, HEBERT, JOHNS, KENNEY, LANCASTER, MARTINY, MCDONALD, ODINET, JACK SMITH, TOWNSEND, WOOTON, JANE SMITH, AND KLECKLEY AND SENATORS CHEEK, ELLINGTON, B. GAUTREAUX, N. GAUTREAUX, HINES, MICHOT, MOUNT, AND SCHEDLER

AN ACT

AN ACT

remove restrictions on exclusion from state and local sales and use taxes for digital television and digital radio conversion equipment; to provide for an effective date; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 599—
BY REPRESENTATIVES HAMMETT, SALTER, ALARIO, DORSEY, AND FAUCHEUX AND SENATORS HINES, BAJOIE, HEITMEIER, AND MOUNT

AN ACT To amend and reenact R.S. 3:4684 and R.S. 47:820.1 and 1508(B)(6) and to enact Part V-A of Chapter 7 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:818.1 through 818.104, relative to the taxes on gasoline, motor fuel, and special fuels; to provide for the disclosure of licensee information; to conform the terminology as it relates to the tax dedicated to the Transportation Infrastructure Model of Economic Development Account; to provide for the collection of the tax on gasoline, motor fuels, and special fuels at the point of leaving the terminal rack or upon importation into the state; to provide definitions; to provide for licensing and bond requirements and filing requirements; to provide for civil and criminal penalties; to define certain crimes; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 775-

BY REPRESENTATIVES BARROW, ALARIO, ALEXANDER, BADON, DANIEL, DORSEY, DOWNS, FANNIN, GREENE, HAMMETT, HONEY, KENNEY, M. POWELL, T. POWELL, RITCHIE, SALTER, TRAHAN, WRIGHT, BRUCE, AND THOMPSON AND SENATORS BAJOIE AND UNITE

29:36.1(E), to provide exemptions from tuition charges imposed by Louisiana public colleges and universities for certain students serving in the Louisiana National Guard, including but not limited to students serving pursuant to re-enlistment agreements; to provide relative to conditions, limitations, and requirements for initial and continuing eligibility for such tuition exemptions; to provide for effectiveness, to provide an effective date; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 805—
BY REPRESENTATIVE MONTGOMERY AND SENATOR ELLINGTON
AN ACT
To amend and reenact R.S. 47:6014(E)(1), relative to the taxation

and for tax relief for certain telephone companies; to provide for the apportionment and dedication of certain taxes for deposit into the Telephone Company Property Assessment Relief Fund; to provide for certain restrictions on the fund; to provide for an effective date; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 817— BY REPRESENTATIVE HAMMETT

AN ACT

To enact R.S. 47:1675 and to repeal R.S. 47:287.34, relative to income and corporation franchise tax credits; to provide for eligibility and application of the tax credits; to provide general administrative provisions for tax credits; to provide for an effective date; and to provide for related matters.

Reported with amendments.

Respectfully submitted, WILLIE MOUNT Chairman

REPORT OF COMMITTEE ON

JUDICIARY B

Senator Marionneaux, Chairman on behalf of the Committee on Judiciary B, submitted the following report:

June 7, 2005

To the President and Members of the Senate:

I am directed by your Committee on Judiciary B to submit the following report:

SENATE CONCURRENT RESOLUTION NO. 78— BY SENATOR JONES

A CONCURRENT RESOLUTION

To urge and request the Senate Committee on Judiciary B and the House Committee on the Administration of Criminal Justice to jointly study the fees and other charges imposed by the parish sheriffs around the state on local governing authorities to reimburse the costs of keeping and feeding persons confined to the parish or public jails that are under the management of the sheriff; to request the committees to establish a formula to be enacted into law to provide for an equitable rate of reimbursement; to make a report of such information and formula; and to request the Joint Legislative Committee on the Budget to take action on such report.

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Reported favorably.

Respectfully submitted, ROBERT MARIONNEAUX, JR. Chairman

Senate Bills and Joint Resolutions on Second Reading **Reported by Committees**

The following Senate Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

SENATE BILL NO. 13-

BY SENATOR FIELDS

AN ACT

To amend and reenact R.S. 33:9097.2 (C), (E)(1)(introductory paragraph), (E)(1)(b) and (E)(2), (G)(1)(a) and (b), and (G)(5) and (6), to enact R.S. 33:9097.2(G)(1)(c), and to repeal R.S. 33.9097.2 (G)(7), relative to the South Burbank Crime Prevention and Development District; to provide with respect to the purposes, governance and authority of the district; to provide relative to a parcel fee; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 13 by Senator Fields

AMENDMENT NO.1

On page 1, line 14, change "§9097.1" to "§9097.2"

On motion of Senator Fields, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 61— BY SENATOR DUPLESSIS

AN ACT

To amend and reenact R.S. 47:287.752 and to enact R.S. 47:297(N), relative to income tax credits; to provide a credit for the employment of certain first time offenders; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. On motion of Senator Mount, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 114-BY SENATOR MICHOT

AN ACT

To enact R.S. 47:6020, relative to tax credits; to grant a sound recording investor individual and corporate income tax credit; to provide for transferability, certain procedures, and collection; and to provide for related matters.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Original Senate Bill No. 114 by Senator Michot

AMENDMENT NO.1

On page 1, line 2, delete "individual" and on line 3, delete "and corporate"

AMENDMENT NO. 2

On page 1, line 3, delete "transferability,"

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AMENDMENT NO. 3

On page 1, line 9, after "strong capital" insert "and infrastructure"

AMENDMENT NO. 4
On page 1, line 15, after "sound recordings" delete the remainder of the line and delete line 16 and insert "in Louisiana."

AMENDMENT NO. 5 On page 1, line 17, after "tax" insert "and capital"

AMENDMENT NO. 6 On page 2, line 3, after "productions" insert "and infrastructure"

AMENDMENT NO. 7

On page 2, line 8, change "increased competition with other states" to "increased global competition'

<u>AMENDMENT NO. 8</u>

On page 1, between lines 11 and 12, insert:

"(c) Encourage the development of a Louisiana music recording production infrastructure with state-of-the-art facilities.

AMENDMENT NO. 9

On page 2, at the end of line 14, delete the period "." and insert: "and/or in a state-certified musical recording infrastructure

AMENDMENT NO. 10

On page 2, between lines 14 and 15, insert:

"(2) "Investments made and expended in the state" means, in the case of tangible property, expenditures for property which is acquired from a source within the state, and in the case of services, means expenditures for services procured and performed in the state."

AMENDMENT NO. 11

On page 2, line 15, change "(2)" to "(3)"

AMENDMENT NO. 12

On page 2, line 20, change "(3)" to "(4)"

AMENDMENT NO. 13 On page 2, delete lines 28 and 29, and on page 3, delete line 1, and insert:

"State-certified production" means a sound recording production, or a series of productions occurring over the course of a twelve-month period, and costs related to such production or productions that are approved by the Department of Economic Development.

(6) "State-certified musical recording infrastructure project"means a musical recording capital infrastructure project and costs related to such project that are approved by the "State-certified musical recording infrastructure Department of Economic Development.

AMENDMENT NO. 14 On page 3, line 2, change "; special projects" to "; state-certified productions and infrastructure projects'

AMENDMENT NO. 15
On page 2, delete lines 3 through 6 in their entirety and insert:
"(1) Until January, 1, 2008, there is hereby authorized a credit against state income tax for investments made in state-certified productions and state-certified musical recording infrastructure projects. The tax credit shall be earned by investors at the time expenditures are certified by the Department of Economic Development according to the total base investment certified for the sound recording production company per calendar year. However, no credit shall be allowed under this Section for any expenditures for which a credit was granted under R.S. 47:6007."

AMENDMENT NO. 16

On page 3, line 8, change "taxpayer to "investor"

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AMENDMENT NO. 17

On page 3, line 9, change "fifteen percent of the actual investment" to "ten percent of the base investment"

AMENDMENT NO. 18

On page 3, line 12, change "taxpayer to "investor"

AMENDMENT NO. 19
On page 3, line 13, change "twenty percent of the actual investment" to "fifteen percent of the base investment"

AMENDMENT NO. 20

On page 3, line 16, change "taxpayer to "investor" and change "twenty-five percent of the actual investment" to "twenty percent of the base investment

AMENDMENT NO. 21

On page 3, line 19, change "production" to "production or musical recording infrastructure project

AMENDMENT NO. 22

On page 3, between lines 19 and 20, insert:

(3) Except as otherwise provided in this Paragraph, the aggregate amount of credits certified for all investors pursuant to this Section during any calendar year shall not exceed five million dollars.

(a) An application for initial certification of a project shall be submitted to the Department of Economic Development prior to the granting of the credit, and the granting of credits under this Section shall be on a first-come first-served basis. The secretary of the Department of Economic Development shall determine through the promulgation of rules the administration of the annual aggregate maximum. These rules shall not be promulgated until they are approved by the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs.

(b) If the total amount of credits applied for in any particular year exceeds the aggregate amount of tax credits allowed for that year, the excess shall be treated as having been

applied for on the first day of the subsequent year.'

AMENDMENT NO. 23

On page 3, line 21, after "earned." delete the remainder of the line, and delete lines 22 through 24, and insert:

Any excess of the credit over income tax liability against which the credit may be applied shall constitute an overpayment as defined in R.S. 47:1621(A) and the secretary shall make a refund of such overpayment from the current collections of the tax imposed by Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, as amended. The right to such refund shall not be subject to the requirements of R.S. 47:1621."

AMENDMENT NO. 24

On page 4, delete lines 10 through 29, delete page 5, and insert:

On page 4, delete lines 10 through 29, delete page 5, and insert:

"(E) Certification and administration.

(1) The secretary of the Department of Economic Development shall determine through the promulgation of rules which projects and expenditures, including amounts expended in this state on state-certified infrastructure projects, qualify according to this Section. Prior to adoption, these rules shall not be promulgated until they are approved by the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs. When determining which projects qualify, the Department of Economic Development shall take the following factors into consideration:

(a) The impact of the production or project on the immediate and long-term objectives of this Section.

(b) The impact of the production or project on the employment of Louisiana residents.

(c) The impact of the production or project on the overall

economy of the state.

(d) The availability of similar infrastructure facilities within fifty miles of the proposed infrastructure project.

(2) (a) Application. An applicant for the sound recording investor tax credit shall submit an application for initial certification to the Department of Economic Development that includes the following information:
(i) For state-certified productions the application shall

include:

(aa) The distribution plan.

(bb) A preliminary budget including estimated Louisiana payroll and estimated base investment.

(cc) A description of the type of sound to be recorded. (dd) A list of the principal creative elements including performing artist(s) and producer.

(ee) The name and address of the recoding studio or other

location where the recording production will take place.

(ff) A statement that the production will qualify as a statecertified production.

(gg) Estimated start and completion dates.

(ii) For state-certified musical recording infrastructure projects the application shall include:

(aa) A detailed description of the infrastructure project.
(bb) A preliminary budget.

(cc) A statement that the project meets the definition of a state-certified infrastructure project.

(dd) Estimated start and completion dates.

(b) If the application is incomplete, additional information may be requested prior to further action by the Department of Economic Development.

(c) The Department of Economic Development shall submit its initial certification of a project as a state-certified production or a state-certified musical recording infrastructure project to investors and to the secretary of the Department of Revenue. The initial certification shall include a unique identifying number for

each state-certified production. (d) Prior to any certification of the state-certified production or infrastructure project, the sound recording production company shall submit to the Department of Economic Development a cost report of production or project expenditures which the Department of Economic Development may require to be prepared by an independent certified public accountant. The Department of Economic Development shall review such expenditures and shall issue a tax credit certification letter to the investors indicating the amount of tax credits certified for the state-certified production or state-certified infrastructure project. (3) The secretary of the Department of Revenue, in consultation with the Department of Economic Development, shall promulgate such rules and regulations as are necessary to carry out the intent and purposes of this Section in accordance

with the general guidelines provided herein.

(4) With input from the Legislative Fiscal Office, the Department of Economic Development shall prepare a written report to be submitted to the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means no less than sixty days prior to the start of the Regular Session of the Legislature in 2007, and every second year thereafter. The report shall include the overall impact of the tax credits, the amount of the tax credits issued, the number of new jobs created, the amount of Louisiana payroll created, the economic impact of the tax credits and music industry, the amount of new infrastructure that has been developed in the state, and any other factors that

describe the impact of the program.

On motion of Senator Mount, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 121— BY SENATOR CHEEK

AN ACT

To enact R.S. 40:1502.15, relative to fire protection districts; to authorize the governing authority of such districts located within certain parishes to assess and collect a service charge or rates of service charges on each residential or commercial structure within the boundaries of the district; to provide for adoption of a resolution by the governing authority of the district; to provide for approval by a majority of electors of the district voting at an

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election held for that purpose; to provide for the use of such revenues; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. On motion of Senator Fields, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 179—
BY SENATORS BARHAM, KOSTELKA, DUPLESSIS, MICHOT AND NEVERS AND REPRESENTATIVES JACKSON, BURNS AND ROBIDEAUX

AN ACT

To enact R.S. 47:287.87 relative to the corporation income tax; to provide for a deduction for interest, dividends, and profits from sales and exchanges of capital assets consisting of incorporeal property or rights; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Original Senate Bill No. 179 by Senator Barham

On page 1, after "To" delete "enact R.S. 4:287.87" and insert "amend and reenact R.S. 47:287.92(B), 287.93(A), 287.95(F)(2), 287.738(A), and 606(A)(3), to enact R.S. 47:287.94(H) and 287.738(F), and to repeal R.S. 47:287.71(A)(1) and (2), 287.73(C)(1), 287.95(E), and

AMENDMENT NO. 2

On page 1, line 3, after "for interest" delete the remainder of the line and on line 4, delete "consisting of incorporeal property or rights;" and insert "and dividends; to provide for a single factor apportionment formula for corporation income and franchise tax purposes for certain businesses; to provide for apportionment of profits and losses from sales or exchanges of property not made in the regular course of business;'

AMENDMENT NO. 3

On page 1, line 7, after "Section 1." delete the remainder of the line and delete lines 8 through 17, and insert the following: "R.S. 47:287.92(B), 287.93(A), 287.95(F)(2), 287.738(A), and

606(A)(3) are hereby amended and reenacted, and R.S. 47:287.94(H) and 287.738(F) are hereby enacted to read as follows: §287.92. Segregation of items of gross income

B. Allocable income. The class of gross income to be designated as "allocable income" shall include only the following:

(1) Rents and royalties from immovable or corporeal movable property.

(2) Profits or losses from sales or exchanges of property, including such items as stocks, bonds, notes, land, machinery, and mineral rights not made in the regular course of business.

(3) Interest income, except interest income which is treated as apportionable income pursuant to R.S. 47:287.95(E).

(4) Dividends from corporate stock.

(5)(2) Royalties or similar revenue from the use of patents, trademarks, copyrights, secret processes, and other similar intangible rights.

(6)(3) Income from estates, trusts, and partnerships.

 $\frac{7}{4}$ Income from construction, repair, or other similar services.

§287.93. Computation of net allocable income from Louisiana

A. Allocation of items of gross allocable income. Items of gross allocable income or loss shall be allocated directly to the states within which such items of income are earned or derived, as follows:

(1) Rents and royalties from immovable or corporeal movable property and profits or losses from sales and exchanges of capital

assets consisting of immovable or corporeal movable property shall be allocated to the state where such property is located at the time the income is derived.

(2) Interest on customers' notes and accounts shall be allocated by reference to the transactions from which the receivables arose, on the basis of the location at which ultimate delivery was made in the case of sale of merchandise or the location at which the services were performed in the case of charges for services rendered.

(3) Profits or losses from sales or exchanges not made in the regular course of business of property, other than capital assets consisting of incorporeal property or rights, shall be allocated to the state where such property is located at the time of the sale. A mineral lease, royalty interest, oil payment, or other mineral interest shall be located in the state in which the property subject to such mineral

interest is situated.

- (4) (2) If the corporation elects to pay tax on interest income as provided in R.S. 47:287.738(F)(2), Other interest received by the corporation, dividends, and profits or losses from sales and of capital assets consisting of incorporeal property or rights shall be allocated to the state in which the securities or credits producing such income have their situs, which shall be at the business situs of such securities or credits if they have been so used in connection with the taxpayer's business as to acquire a business situs, or in the absence of such a business situs, shall be at the commercial domicile of the taxpayer, provided that dividends upon stock having a situs in Louisiana received by a corporation from another corporation which is controlled by the former, through ownership of fifty percent or more of the voting stock of the latter, shall be allocated to the state or states in which is earned the income from which the dividends are paid, such allocation to be made in proportion to the respective amounts of such income earned in each state, and provided further that interest on securities and credits having a situs in Louisiana received by a corporation from another corporation which is controlled by the former through ownership of fifty percent or more of the voting stock of the latter, shall be allocated to the state or states in which the real and tangible personal property of the controlled corporation is located, on the basis of the ratio of the value of such property located in Louisiana to the total value of such property within and without the state.
- (5) (3) Royalties or similar revenue from the use of patents, trademarks, copyrights, secret processes, and other similar intangible rights shall be allocated to the state or states in which such rights are used. A mineral lease, royalty interest, oil payment, or other mineral interest shall be allocated to the state in which the property subject to such mineral interest is situated.

(6) (4) Income from construction, repair, or other similar services shall be allocated to the state in which the work is done.

(7) (5) For purposes of this Part only, estates, trusts, and partnerships having a corporation as a member or beneficiary shall compute, allocate, and apportion their income or loss within and without this state in accordance with the processes and formulas prescribed by this Part, and the share of any corporation member or beneficiary in the net income or loss from sources in this state so computed shall be allocated to this state in the return of such corporation.

§287.94. Computation of net apportionable income from Louisiana

H. When net apportionable income is computed by means of the separate accounting method, or at any time the Louisiana apportionment percent is zero, profits or losses from sales or exchanges of property not made in the regular course of business shall be apportioned to Louisiana on the ratio of gross income from Louisiana sources, other than such profits or losses, to gross income of the corporation, other than such profits or losses. When all of the gross income of the corporation is from such profits or losses, the portion of the profits or losses from sales or exchanges of property not made in the regular course of business attributable to Louisiana shall be determined as follows:

(1) Profits or losses on sales or exchanges of tangible property shall be attributed to Louisiana if the property was located in Louisiana at the time of sale or exchange.

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(2) Profits or losses on sales or exchanges of an ownership interest in a corporation, partnership, limited liability company, or other business organization shall be attributed to Louisiana to the extent the assets of the organization, of which an ownership interest was sold, are located in Louisiana at the time of the sale or exchange.

(3) Profits or losses on sales or exchanges of a patent, trademark, copyright, secret process, or other similar intangible right shall be attributed to Louisiana to the extent of use of the

right in Louisiana compared to use everywhere.
(4) Profits or losses on sales or exchanges of other intangible assets, including debt instruments, shall be attributed to the state in which the assets have their situs if they have been so used in connection with the taxpayer's business as to acquire a business situs, or in the absence of such a business situs, to the commercial domicile of the taxpayer.

§287.95. Determination of Louisiana apportionment percent

(2)(a) For taxable periods beginning on or after January 1, 1997, and ending on or before December 31, 2005, and for For the purpose of this Subsection, the Louisiana apportionment percent of any taxpayer whose net apportionable income is derived primarily from the business of manufacturing or merchandising shall be computed by means of the ratios provided in Subparagraphs (1)(a) through (c) of this Subsection, except that the ratio of net sales as provided in Subparagraph (c) shall be double-weighted or counted twice, and the Louisiana apportionment percent shall be the arithmetical average of the four ratios.

(b) For taxable periods beginning on or after January 1,

2006, and for the purpose of this Subsection, the Louisiana apportionment percent of any taxpayer whose net apportionable income is derived primarily from the business of manufacturing or merchandising shall be computed by means of a single ratio consisting of the ratio provided for in R.S. 47:287.95(F)(1)(c).

(c) The term "business of manufacturing or merchandising" shall only include a taxpayer whose net apportionable income is derived primarily from the manufacture, production, or sale of tangible personal property. The term "business of manufacturing or

merchandising" shall not include:

(a) (i) A taxpayer subject to the tax imposed pursuant to Chapter 8 of Subtitle II of Title 47 of the Louisiana Revised Statutes

(b) (ii) Any taxpayer whose income is primarily derived from the production or sale of unrefined oil and gas.

(iii) Any taxpayer defined as an integrated oil company per the U.S. Internal Revenue Code - 26 U.S.C. §291(b)(4), or integrated oil companies that refine, produce, and have marketing operations, whose income in Louisiana is principally derived from production and sale of unrefined oil and gas, and who also engage in significant marketing of refined petroleum products in Louisiana. Provided, any taxpayer, who activities during the taxable year do not include any "gross receipts from retail sales of oil and/or natural gas", or any "refinery activities of oil and/or natural gas", will not be considered as an integrated oil company for Louisiana tax purposes, not withstanding such taxpayer may be a "related party" or a "member of the federal consolidate group" under the U.S. Internal Revenue Code.

§287.738. Other inclusions and exclusions from gross income A. Inclusion of payments to non-U.S. companies.

Notwithstanding any federal law to the contrary, gross income as defined in R.S. 47:287.61 of this Part shall include interest, dividends, rents, salaries, wages, premiums, annuities, compensations, remuneration, emoluments, and other fixed or determinable annual or periodical gains, profits, and income taxed pursuant to I.R.C. Section 881 relative to amounts received from sources within the United States by corporations not created or organized in the United States or under the laws of the United States

F. Deduction for interest and dividends.

(1) Effective for taxable years beginning after December 31, 2005, there shall be allowed for each taxable year a deduction equal to the amount of dividends that would otherwise be

included in gross income.
(2) Effective for taxable years beginning after December 31, 2005, there shall be allowed for each taxable year a deduction equal to the amount of interest that would otherwise be included in gross income; however, a corporation may elect to pay tax on interest income from a corporation which is controlled by the former through ownership of fifty percent or more of the voting stock of the latter and to use the provisions of R.S. 47:287.93(A)(2).

§606. Allocation of taxable capital A. General allocation formula.

(3)(a) For taxable periods beginning on or after January 1, 1997, and before January 1, 2007, for For corporations engaged in the business of manufacturing, an additional ratio consisting of net sales made to customers in the regular course of business attributable to Louisiana to the total net sales made to customers in the regular course of business. For the purposes of this Paragraph, the taxable capital allocated to Louisiana shall be the arithmetical average of the three ratios provided in Paragraphs (1), (2), and (3) of this Subsection.

(b) For taxable periods beginning on or after January 1, 2007, for corporations engaged in the business of manufacturing, the sole ratio shall be computed by means of a single ratio consisting of the ratio provided for in R.S. 47:606(A)(1).

(c) The term "business of manufacturing" shall only include taxpayers whose net sales are derived primarily from the manufacture, production, and sale of tangible personal property; however, the term "business of manufacturing" shall not include:

(a) (d) Any taxpayer whose income is primarily derived from the production or sale of unrefined oil and gas.

(b) (e) Any taxpayer whose income is primarily derived from the manufacture, distribution, distillation, importation, or sale of alcoholic beverages.

(c) (f) Integrated Any taxpayer defined as an integrated oil company per the U.S. Internal Revenue Code - 26 U.S.C. §291(b)(4), or integrated oil companies that refine, produce, and have marketing operations, whose income in Louisiana is principally derived from production and sale of unrefined oil and gas, and who also engage in significant marketing of refined petroleum products in Louisiana. Provided, any taxpayer, whose activities during the taxable year do not include any "gross receipts from retail sales of oil and/or natural gas", or any "refinery activities of oil and/or natural gas", will not be considered as an integrated oil company for Louisiana tax purposes, notwithstanding such taxpayer may be a "related party" or a "member of the federal consolidate group" under the Ü.S. Internal Revenue Code.

R.S. 47:287.71(A)(1) and (2), 287.73(C)(1), Section 2. 287.95(E), and 287.750 are hereby repealed.

Section 3. This Act shall be effective for all taxable periods beginning after December 31, 2005.

On motion of Senator Mount, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 246

BY SENATOR DUPLESSIS

AN ACT

To enact R.S. 51:1787(A)(2)(d) and (C)(2)(c), relative to Enterprise Zones; to provide for tax credits and state and political subdivision sales tax rebates for rubber manufacturing; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

SENATE COMMITTEE AMENDMENTS

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Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Original Senate Bill No. 246 by Senator Duplessis

AMENDMENT NO.1 On page 1, delete line 3, and insert: "tax credits for rubber"

AMENDMENT NO. 2

On page 1, line 15, after "(d)" delete "(i)"

On page 1, line 16, after "industry" delete the comma "," and at the end of the line, delete "in this" and on line 17, delete "Subparagraph" and in the interview of the line of the line, delete "in this" and on line 17, delete "Subparagraph" and interview of the line of Classification System (NAICS) code 326211

AMENDMENT NO. 4

On page 2, delete lines 4 through 29, and on page 3, delete lines 1 through 20

AMENDMENT NO. 5

On page 3, line 28, after "(c)" delete "(i)"

On page 3, line 29, delete "added value" and after "industry" delete the comma "," and at the end of the line, delete "in" and on page 4, line 1, delete "R.S. 51:1787(A)(2)(d)(ii)(aa)" and insert: "by North American Industry Classification System (NAICS) code 326211"

AMENDMENT NO. 7

On page 4, delete lines 6 through 21

On motion of Senator Mount, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 259—
BY SENATORS KOSTELKA, BARHAM, DUPLESSIS AND MICHOT AND REPRESENTATIVES JACKSON, BURNS AND ROBIDEAUX AN ACT

To amend and reenact R.S. 47:287.73(C)(1), 287.93(A)(4), 606(A)(1)(k), (2)(d), and (B), and to repeal R.S. 47:287.73(B)(3), relative to the corporation income and franchise tax; to provide for a dividends received deduction; to provide a deduction for interest and dividends received by related entities; to provide for the treatment of revenues from, investment in and advances to related entities; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Original Senate Bill No. 259 by Senator Kostelka

AMENDMENT NO.1

On page 1, delete lines 2 through 17, delete pages 2 through 4, and on page 5, delete lines 1 through 3, and insert:
"To amend and reenact R.S. 47:287.93(B), relative to the corporation

income tax; to provide for an allocation of the deduction for interest expense applicable to investments which produce allocable income; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:287.93(B) is hereby amended and reenacted to read as follows:

§287.93. Computation of net allocable income from Louisiana sources

B. Net allocable income. (1) Except as provided for in Paragraph (2) of this Subsection, net allocable income or loss is computed by subtracting the following from Louisiana gross allocable income:

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(1)(a)All expenses, losses, and other deductions defined in R.S. $47.287.\overline{63}$ as allowable deductions which are directly attributable to Louisiana gross allocable income.

(2)(b) A ratable portion of such allowable deductions which are not directly attributable to any item or class of gross income.

(2) For purposes of allocating to Louisiana interest expense applicable to investments which produce or which are held for the production of allocable income, there shall be allowed as a deduction in determining net income or loss allocated to Louisiana the amount determined by multiplying such interest expense by the arithmetical average of the following two ratios:

(i) The ratio of assets allocated to Louisiana to the total

amount of allocable assets everywhere.

(ii) The ratio of the amount paid by the taxpayer for salaries, wages, and other compensation for personal services rendered in Louisiana bears to the total amount paid by the taxpayer for salaries, wages, and other compensation for personal services everywhere.

On motion of Senator Mount, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 297— BY SENATOR DUPLESSIS

AN ACT

To enact R.S. 33:2742.62, relative to non-profit corporations and associations; to authorize the levy of a service reimbursement fee by the city of New Orleans; and to provide for related

Reported with amendments by the Committee on Local and Municipal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 297 by Senator Duplessis

AMENDMENT NO.1

On page I, line 2, delete "authorize", delete line 3, and insert "to provide for the levy of a fee to compensate for various governmental services provided to tax exempt property of certain nonprofit corporations and associations; to provide a process for the annual review of requests for exemption from ad valorem taxation on certain property owned or leased by nonprofit corporations or associations; and to provide"

AMENDMENT NO. 2

On page 1, delete lines 8 through 17, delete page 2 in its entirety, on page 3, delete lines 1 through 16, and insert the following:

42.62. Nonprofit corporation or association property; process to obtain exemption from ad valorem taxation; fee A. In the city of New Orleans, an exemption from ad §2742.62. valorem taxation granted to property pursuant to Article VII, Section 21(B) of the Constitution of Louisiana shall be applied for annually by completing an application form provided by assessor and certifying that property qualifies for the exemption sought.

B.(1) The application form shall be designed and prepared by the board of assessors. The form shall:

(a) Provide for gathering information regarding the portion

or area of the property actually being used for a religious, dedicated place of burial, charitable, health, welfare, fraternal, or educational purpose, or for housing for homeles persons.

(b) Require information as to whether any of the property is being used for commercial purposes unrelated to the exempt purposes of the nonprofit corporation or association.

(2) Each assessor shall be responsible for delivering the application form to the listed owner of each such tax exempt property on the assessment rolls located in the respective assessor's district, at the address shown on the assessment rolls.

C.(1) Each owner of such tax exempt property shall return the completed application form, duly sworn to, within twenty days after the form has been delivered at the address shown on

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the assessment rolls. The completed application form may be submitted to the assessor in person or by first class mail. No application form will be considered if not received by the assessor

after July thirty-first.
(2) To be considered, the application form must be completed and signed and sworn to by the chairman of the board of directors of the organization or an equivalent position if the

organization does not have a chairman of the board.

D. Each assessor shall evaluate and grant or deny the request for tax exemption, or grant a partial tax exemption based on the assessed value of that proportion of the property not being used for an exempt purpose, by the first day of August of each year which shall determine the liability for or exemption from taxation for the calendar year. Each determination by the assessor shall be subject to review as provided by law.

E. To fund the expense of the preparation and processing of forms provided for in this Section, a nonrefundable fee of fifteen dollars per listed property shall be paid to the assessor along with the form requesting the tax exemption. No request for tax exemption shall be considered or granted by an assessor under this Section unless the fee has been received.

. Any person who, either in his individual or representative capacity, knowingly makes any false statement or knowingly furnishes any false information in any application form or other document that he may present for the purpose of procuring or attempting to procure a tax exemption pursuant to Article VII, Section 21(B) of the constitution, or who knowingly, for the purpose of securing such tax exemption, presents any application format or other document containing any false statement, or any person aiding, assisting or abetting any such person in unlawfully and knowingly securing or attempting to secure any such tax exemption, with knowledge of such false or illegal application form or such false statement, shall be guilty of a misdemeanor. Upon conviction for a violation of this Subsection, the offender shall be punishable by a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment of not less than one month, nor more than six months, or both.'

On motion of Senator Fields, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 312— BY SENATOR ULLO

AN ACT

To enact R.S. 17:10.7, relative to school and district accountability; to provide for the status of a city, parish, or other local public school system which is academically in crisis and financially in crisis; to provide a procedure for the emergency transfer of all power and responsibility to operate, manage, and administer such a school system to an administrator, to provide for the selection of the administrator; to provide for the duration of his service; to provide for the authority and duties of the administrator; to provide for the establishment of an advisory council; to provide for the obligation of the system on contracts; to provide for the obligation of the system regarding debt; to provide definitions; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 312 by Senator Ullo

AMENDMENT NO.1

On page 3, delete lines 14 through 17

AMENDMENT NO. 2

On page 3, line 20, delete "not more than three"

AMENDMENT NO. 3

On page 5, line 16, change "shall" to "may"

AMENDMENT NO. 4

On page 5, line 17, after "effect" insert "by the administrator"

On motion of Senator Ullo, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 315-BY SENATOR BARHAM

AN ACT

To amend and reenact R.S. 47:3201 and 3204(A), (B)(1), (F), and the introductory paragraph of (H), and to enact R.S. 47:3202.1, relative to the tax equalization program; to provide for equalization contracts for individual taxpayers; to provide for the time period authorized for tax equalization contracts; and to provide for related matters.

Reported with amendments by the Committee on Revenue and Fiscal Áffairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Original Senate Bill No. 315 by Senator Barham

On page 1, line 2, after "reenact" delete the remainder of the line and delete line 2 and insert "R.S. 47:3201 through 3205 and 4301 through 5306, relative to the tax equalization"

AMENDMENT NO. 2

On page 1, line 4, after "provide for" delete the remainder of the line and delete line 5, and insert "contracts with the Board of Commerce and Industry and manufacturing establishments; and to provide for"

AMENDMENT NO. 3

On page 1, line 8, after "47:3201" delete the remainder of the line and delete line 9 and insert "through 3205 and 4301 through 4306 are hereby amended and reenacted to read as"

AMENDMENT NO. 4

On page 1, line 14, after "that new" insert "and existing" and after "industries, new" insert "and existing" and after "or new" insert "and existing'

AMENDMENT NO. 5

On page 1, line 15, after "locate" insert "and remain"

AMENDMENT NO. 6

On page 1, line 16, after "many" delete "new" and after "establishments," delete "new'

AMENDMENT NO. 7

On page 1, line 17, after "locate" insert "or remain"

AMENDMENT NO. 8 On page 2, line 1, after "locate" change "in" to "in or move to"

AMENDMENT NO. 9 On page 2, line 2, after "establishment" insert "and retention"

On page 2, line 3, after "establishments," delete "new" and after "headquarters, or" delete "new'

AMENDMENT NO. 11

On page 2, at the beginning of line 7, insert "competing"

AMENDMENT NO. 12 On page 2, delete lines 8 through 29 and on page 4, delete lines 1 through 11, and inert the following:

'§3202. Requirements for exemption

A. A contract of exemption from taxation may be entered into by the Board of Commerce and Industry under this Chapter only if each of the following requirements are met by the new manufacturing

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establishment, new headquarters, or new warehousing and distribution establishments seeking such exemption:

(1) The new manufacturing establishment, new headquarters, or new warehousing and distribution establishment at the time it is locating in Louisiana, must either be located in another state or be located in Louisiana and contemplating locating in another state which has equivalent or comparable advantages as exist at the particular area in Louisiana at which such establishment in which the establishment is or seeks to be located.

(2) The state in which the establishment is located or is contemplating locating must have a total state, parish (county) and local tax structure which offers a greater tax advantage to such establishment than does the taxing structure of Louisiana.

- (3) In the case of new headquarters, or new manufacturing establishment or new warehousing and distribution establishment, the applicant for tax equalization may be any form of business entity. For purposes of this Chapter, "business entity" shall mean any individual, firm, joint venture, association, corporation, estate, partnership, business trust, receiver, syndicate, or any other legal business entity.
- (4) The sites under consideration in Louisiana and the competing state must be valid and viable for the proposed
- (5) The secretary of the Department of Economic Development must have made shall make a recommendation to the governor to extend an invitation to apply for tax equalization.

(6) An invitation from the governor to apply must have been received by the business entity.

B. Each applicant shall submit to the Department of Economic Development such certified statements and substantiating documents as may be required to establish that each of the requirements of this Section is satisfied.

Any new manufacturing establishment or new headquarters or warehousing and distribution establishment applying for an exemption shall submit information indicating a good faith effort on the part of the applicant to contract with or to do business with businesses domiciled in the state of Louisiana.

(2) In awarding contracts or in doing business with another business, each entity applying for an exemption pursuant to this Chapter shall agree to give a right of first refusal to businesses domiciled in Louisiana, provided the Louisiana business can perform such contract or business activity under similar terms and conditions and at no additional cost to the entity granted the exemption under

D. Any applicant whose primary business endeavor is the commercial treatment, disposal, or destruction of hazardous waste generated from outside Louisiana, applying for an exemption shall submit information relative to the impact the new manufacturing establishment or new headquarters or warehousing and distribution establishment has had and will have on the environment and the history of compliance with environmental laws in this state or any

other state where the applicant has operated.

E.(1) Any applicant applying for an exemption or state-sponsored subsidy shall designate and set a goal for awarding to economically disadvantaged businesses an amount not less than ten percent of the value of the anticipated total procurement of goods and services, including construction, for the exempted project, but without added expense, provided such certified economically disadvantaged businesses are majority owned and operated by Louisiana residents and are competent to deliver the required products and services in a timely manner and perform the required work in a timely manner during construction and operation of the project. The affected applicant shall submit evidence of compliance with this Subsection to the Board of Commerce and Industry.

(2) The Board of Commerce and Industry and the Division of

Economically Disadvantaged Business shall adopt rules and regulations pertaining to the identification and certification of economically disadvantaged businesses which qualify under this

(3) The Board of Commerce and Industry and the Division of Economically Disadvantaged Business shall take into consideration whether economically disadvantaged contractors are available in granting the exemptions under this Chapter.

§3203. Review of exemption applications and reevaluation of

A. Applications for contracts of exemption shall be addressed to the Department of Economic Development. The Department of Economic Development shall review applications to determine whether the requirements for an exemption contract have been satisfied, and shall recommend to the Board of Commerce and Industry the appropriate action to be taken. The Department of Revenue shall aid the Department of Economic Development in determining whether the tax information furnished by the applicant is true and correct. Such contracts, in addition to providing for the exemption herein, shall include but not be limited to such terms and conditions as shall support new or retained employment goals, investment and growth as shall, to the satisfaction of the Department, Board and Governor, promote the goals of economic development that are the purpose of this Chapter.

The Board of Commerce and Industry shall review any recommendations for exemptions made by the Department of Economic Development. If the Board of Commerce and Industry concurs in the recommendation of the Department of Economic Development, it shall forward the recommendation to the Department of Revenue with the application, contract and all supporting documents. The Department of Revenue shall within ten days after receipt of the notice file in writing with the Board of Commerce and Industry any objections it has to granting the exemption. If no objection is made, the Board of Commerce and Industry shall send the recommendation to the governor with a finding that no objection was filed by the Department of Revenue. If any such objection is made, the Board of Commerce and Industry shall hold a contradictory hearing to determine whether such exemption should be granted and the Board of Commerce and Industry shall act as arbitrator at such hearing. The Board of Commerce and Industry shall make its recommendations in writing to the governor for a final determination. Thereafter, the governor shall make the determination to approve the contract as submitted within thirty days of its submission.'

AMENDMENT NO. 13

On page 3, line 14, after "A." delete "(1)"

AMENDMENT NO. 14 On page 3, line 15, after "contracts with" delete "new"

MENDMENT NO. 15

On page 3, line 16, after "establishments," delete "new" and after "headquarters, or" delete "new

AMENDMENT NO. 16 On page 3, delete lines 22 through 28

AMENDMENT NO. 17

On page 3, at the beginning of line 29, delete "Each" and insert "(a) Except as otherwise provided in this Subsection, each

AMENDMENT NO. 18

On page 4, line 2, after "renewed for" delete the remainder of the line and delete lines 3 and 4, and insert the following:

an additional five-year period, provided that the total number

of years of exemption shall not exceed ten years.

(b) At the invitation of the Governor, contracts of exemption for which the initial five-year renewal period ended on or after December 2002 but before February 2003 may be further renewed for up to two additional five-year periods from the date of expiration, provided that the total number of years of exemption shall not exceed twenty years.

(2)(a) However, a manufacturing establishment which employs one hundred seventy-five employees at the time of its advance notification to the Board of Commerce and Industry and which has entered into a tax exemption contract with the Board of Commerce and Industry for a ten-year period, pursuant to the provisions of Subsection A, and which thereafter moves its headquarters to Louisiana between July 1, 1998 and June 30, 2000, and retains its plant in Louisiana shall, upon the location of the headquarters in Louisiana, be entitled to apply for a new exemption contract for an

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additional ten-year period covering both the headquarters and the existing manufacturing establishment.

(b)(2) For purposes of this Paragraph, "headquarters" shall be defined as it is defined in other definitions contained in law.* In addition, it shall be a requirement to enter the new contract provided in this Paragraph that:

(i)(a) After the move of such headquarters, ninety percent of the

establishment's employees shall reside in Louisiana. (ii)(b) Ninety percent of the company's officers and managers

shall have their primary office in Louisiana.

C. The Department of Economic Development shall review and reevaluate exemption contracts and make recommendations to the **governor and** Board of Commerce and Industry in respect to

renegotiation thereof if necessary.

- D. Non-compliance with A violation of any of the terms and conditions of the contract under which exemptions are granted is grounds for termination of the contract. If the Board of Commerce and Industry determines that **non-compliance with** a violation of the terms and conditions of the contract under which exemptions are granted has occurred, it shall notify the business entity of the determination. If the violation is not corrected within ninety days, the Board of Commerce and Industry shall hold a hearing to determine whether the contract of exemption should be terminated.
- E.(1) All exemptions from taxation granted under contracts entered into under authority of this Chapter shall be listed by the board, and a copy of each such listing shall be submitted to the agencies of the state which collect the taxes from which such exemptions have been granted. Each such collecting agency shall make and maintain a list of all such exemptions in effect. Whenever any exemption, or any part thereof, ceases by reason of a violation of the terms of the contract under which it was granted, or for any other cause, the board shall notify the collecting agencies.
- (2) If the collecting agencies receive notice that the exemption, or any part thereof, has ceased by reason of a violation of the terms of the contract under which it was granted after the establishment has already received the exemption, then the amount exempted for the year in which the violation occurred, and for each year thereafter in which the violation is not remedied, shall be considered a tax due as of December 31 thirty-first of the year in which the violation occurred, and for each year thereafter in which an exemption is used and the violation is not remedied and it shall be collected by the collecting agencies in the same manner and subject to the same provisions for the collection of other tax debts.

AMENDMENT NO. 19 On page 4, delete line 7, and insert "grant to a new manufacturing establishment, new headquarters, or"

AMENDMENT NO. 20

On page 4, line 10, after "in which" delete "such"

<u>AMENDMENT NO. 21</u>

On page 4, delete line 11, and insert "such establishment is"

AMENDMENT NO. 22

- On page 4, delete lines 13 through 24, and insert the following:

 G. The contract of tax equalization shall, on an annual basis, effect equality in amounts between the taxes payable in Louisiana and the taxes which would have been payable in the competing state. The Department of Economic Development may make and promulgate such rules and regulations necessary to determine the annual equalization amount.
- H. Unless the Department of Revenue for valid written reasons recommends otherwise, exemptions for a new **or retained** manufacturing establishment shall be granted from state taxes only in the following priority:
 - 1) The corporation franchise tax.
 - (2) The corporation income tax.
- (3) Sales and use tax on machinery and equipment to be used in manufacturing.
- (4) The sales and use taxes imposed by the state upon materials and supplies necessary for the manufacture or production of the product of the new manufacturing establishment.

(5) Any other taxes imposed by the state to which like businesses are subject.

I.(1) Unless the Department of Revenue for valid written reasons recommends otherwise, exemptions from taxation for a business locating a new or retaining headquarters in this state shall be granted from state taxes only in the following priority:

(a) The corporation franchise tax.(b) The corporation income tax.

- (c) Sales and use tax on purchases and leases of, and repairs to, machinery and equipment which is used in the on-site operation of the new headquarters facility.
- (d) The sales and use tax on purchases of tangible personal property used in the construction of the new headquarters facility.

(e) Any other taxes imposed by the state to which such

businesses are subject.

(2) Rules and regulations concerning new headquarters contracts shall be submitted for review to the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs in addition to all other legislative oversight which may be required.

- J. Unless the Department of Revenue for valid written reasons recommends otherwise, exemptions for a new or retained warehousing and distribution establishment shall be granted from state taxes only in the following priority:
 - (1) The corporation franchise tax.

The corporation income tax.

- (3) Sales and use tax on purchases and leases of, and repairs to, machinery and equipment which is used in the on-site operation of the warehousing and distribution establishment.
- (4) The sales and use tax on purchases of materials and supplies necessary for the on-site operation of the warehousing and distribution establishment.
- (5) The sales and use tax on purchases of tangible personal property used in the construction of the warehousing and distribution establishment.
- (6) Any other taxes imposed by the state to which like businesses are subject.

K. In no event shall any exemption from ad valorem property taxes be granted under any contract entered into under authority of this Chapter. This exemption applies only to sales and use tax imposed by the state of Louisiana and does not apply to such taxes authorized and levied by any school board, municipality, or other local taxing authority notwithstanding any other provision of law to

the contrary, specifically but not exclusively R.S. 33:2716.1.

L. Notwithstanding the provisions of R.S. 47:302(G) and 331(E) or the provisions of any other law to the contrary, the sales and use taxes imposed by the state of Louisiana shall not apply to purchases or leases of airplane equipment, airplane parts, and airplanes by any commuter airline domiciled in the state as defined in R.S. 47:305.21.

§3205. Rules and regulations

The Department of Economic Development may make and promulgate such rules and regulations consistent with the provisions of this Chapter, as are necessary to carry out the provisions of this Chapter.

§4301. Findings and purpose

The state, in order to induce industrial development in the state, encourages seeks to encourage the establishment of new business enterprises and expanded manufacturing industries the retention and/or expansion of existing businesses in this state, by adoption of R.S. 47:3202 and other statutory and constitutional provisions. One of the purposes of such legislation is to enlarge job opportunities for the people of Louisiana in manufacturing industries targeted Vision 2020 businesses. It is recognized that a similar need exists, especially in times of high levels of unemployment, to encourage existing manufacturing industries businesses that fit the Vision 2020 **profile** to continue operations at existing levels and, where possible, to expand those operations.

It is recognized as essential to the continued growth and development of the state and to the continued prosperity and welfare of the people of the state that existing manufacturing industries <u>Vision 2020 businesses</u> be encouraged to continue and expand their operations in the state. It is the purpose of this Chapter to encourage the continuation retention and modernization of such operations of

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existing manufacturing establishments in Louisiana by providing a procedure whereby the taxes imposed by the state upon existing manufacturing establishments such businesses may be reduced in order to accomplish the purposes of this Chapter.

§4302. Contracts of exemption; renegotiation; violation; lists

A. The Board of Commerce and Industry with approval of the governor may, <u>pursuant to its rule</u> enter into contracts for periods not exceeding five years with <u>manufacturing establishments</u> <u>businesses</u>, that by Rule, shall be defined in a manner consistent with those persons that are defined as an "employer" within the meaning of R.S. 51:2453(1)(b)(i) through (v), (c) and (d) located in Louisiana under which such <u>establishments persons</u> are granted exemption from the taxes imposed by this state as provided in R.S. 47:4305, upon the terms, conditions, and limitations specified in this Chapter and subject to such other terms, conditions, and limitations as the board, on <u>as established by rule or upon</u> recommendation of the <u>governor and the</u> Department of Economic Development, deems to be in the best interests of the state.

B. Each contract of exemption entered into under authority of this Chapter may be renewed for periods of up to five years, provided that the total number of years of exemption shall not exceed ten

fifteen years

- C. Upon violation of any of the terms and conditions of the contract under which exemptions are granted, the Board of Commerce and Industry, with approval of the governor, shall give notice thereof in writing, and unless the violation is corrected within ninety days, any remaining portion of the exemption from taxation granted under any contract entered into under this Chapter may be terminated.
- D.(1) All exemptions from taxation granted under contracts entered into under authority of this Chapter shall be listed, together with the amount of the exemptions, by the board and a copy of each such listing shall be submitted to the agencies of the state which collect the taxes from which such exemptions have been granted. Each such collecting agency shall make and maintain a list of all such exemptions in effect. Whenever any exemption, or any part thereof, ceases by reason of a violation of the terms of the contract under which it was granted, or for any other cause, the board shall notify the collecting agencies.
- (2) If the collecting agencies receive notice that the exemption, or any part thereof, has ceased by reason of a violation of the terms of the contract under which it was granted after the establishment has already received the exemption, then the amount exempted for the year in which the violation occurred, and for each year thereafter in which the violation is not remedied shall be considered a tax due as of December thirty-first of the year in which the violation occurred, and for each year thereafter in which an exemption is used and the violation is not remedied and it shall be collected by the collecting agencies in the same manner and subject to the same provisions for the collection of other tax debts.

§4303. Review of exemption applications

A. Applications for contracts of exemption shall be addressed to the Department of Economic Development, and a notice of the application and amount and type of exemption thereof shall be transmitted to each member of the legislature and to the assessor and governing authority of each political subdivision wherein said manufacturing establishment is located or is to be located, at the same time the application is sent to the Department of Economic Development. The Department of Economic Development shall review applications to determine whether the requirements for an exemption contract have been satisfied, and shall determine whether exemptions should be provided in a contract of exemption to be recommended to the Board of Commerce and Industry. The Department of Revenue shall aid the Department of Economic Development in determining whether the tax information furnished by the applicant is true and correct.

B. The Board of Commerce and Industry shall review any recommendations for exemptions made by **the governor and** the Department of Economic Development. The Board shall conduct public hearings on any application for exemption, upon such terms and under such procedures as it shall promulgate by regulation provide by rule. The Board shall forward its recommendations, together with **the proposed contract between the Board and the applicant** and all **other** supporting documents and the

recommendations of to the Department of Economic Development, to the governor and the Legislative Budget Committee, to the assessor and to each member of the legislature, and to the governing authority of said political subdivision prior to action by the governor thereon. Upon receipt, of the recommendations and proposed contract the governor and the Legislative Budget Committee shall each have thirty days to approve or reject the contract and, if approved, to thereafter return the contract to the board, and the Departments of Economic Development and Revenue for implementation.

§4304. Requirements for exemption

A. In determining whether to recommend a contract of exemption from taxation, the secretary of economic development and the Board of Commerce and Industry, by rule and in its deliberations, and in determining whether to enter into such a contract of exemption, the governor and the Legislative Budget Committee may consider any and all factors which are relevant to the continued operations of the applicant, or expanded operations of the applicant, including but not limited to the following:

(1) The benefits to the state in terms of continued employment opportunities, **investment in, and modernization of, facilities,** expenditures for goods and services, and contributions to the revenue base of the state and local governments and the creation of new and

additional permanent jobs.

(2) Competitive conditions existing in other states or in foreign nations.

(3) The economic viability of the applicant, and the effect of any tax exemptions on economic viability.

(4) The effects on applicant of temporary supply and demand conditions.

(5) The effect of casualties and/or natural disasters.

(6) The effects of United States and foreign trade policies.

(7) The effect of federal laws and regulations bearing on the economic viability within the state of the applicant.

(8) The competitive effect of like or similar exemptions granted

to other applicants.

(9) Those terms and conditions of the contract that shall provide for guarantees of employment and for clawbacks in the event of non-performance of such guarantees and such other terms and conditions as shall be favorable to the continued operation and staffing of the business.

B. No contract of exemption shall be entered into pursuant to

B. No contract of exemption shall be entered into pursuant to this Chapter with any manufacturing establishment person which has been assessed two or more any criminal penalties, pursuant to R.S. 30:1073*, within twenty-four months preceding the application. The record of civil violations, pursuant to R.S. 30:1073*, shall be considered before entering into a contract of exemption. Nor shall any person in default on any filing or payment to the state, to any of its agencies, or to any of its political subdivisions following a final assessment or judgment be eligible to enter into a contract pursuant to this Act.

C.(1) The board shall adopt rules and regulations requiring that any new and expanded manufacturing establishment applying for an exemption shall submit information indicating contracts entered into hereunder shall require a good faith effort on the part of the manufacturing establishment or corporation person to contract with or to do business with businesses domiciled in the state of Louisiana.

(2) The board shall require that in contracting with or in doing business with another business, each entity applying for an exemption pursuant to this Chapter shall agree to give a right of first refusal to businesses domiciled in Louisiana, provided the Louisiana business can perform such contract or business activity under similar terms and conditions and at no additional cost to the entity granted the exemption under this Chapter.

D. The board shall adopt rules and regulations requiring by rule require that any new and expanded commercial manufacturing establishment, person whose primary business endeavor is the commercial treatment, disposal, or destruction of hazardous waste generated from outside Louisiana, and applying for an exemption the benefits of this Chapter shall submit information relative to the impact the (2) The board shall require that in contracting with or in doing business with another business, each entity applying for an exemption pursuant to this Chapter shall agree to give a right of first refusal to businesses domiciled in Louisiana, provided the Louisiana

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business can perform such contract or business activity under similar terms and conditions and at no additional cost to the entity granted the exemption under this Chapter. establishment has had or will have on the environment and the person's history of compliance with environmental laws in this state or any other state where the applicant

E.(1) The board shall adopt rules and regulations requiring that any new and expanded manufacturing establishment person applying for an exemption or state sponsored subsidy the benefits of this **Chapter** shall designate and set aside for awarding to minorityowned businesses an amount not less than ten percent of the value of the anticipated total procurement of goods and services including construction for the exempted project without added expense; provided such minority-owned businesses are majority owned and operated by Louisiana residents and are competent to deliver the required products and services in a timely manner and perform the required work in a timely manner during the construction and operation of the project. The affected manufacturing establishment or headquarters shall submit evidence of compliance with this Subsection to the Board of Commerce and Industry.

(2) The Board of Commerce and Industry and the Governor's Office of Minority Business Enterprise shall adopt rules and regulations pertaining to the identification and certification of minority-owned businesses which qualify under this Part Chapter.**

(3) The Board of Commerce and Industry and the Governor's Office of Minority Business Enterprise shall take into consideration whether minority contractors are available in granting the exemptions under this Part Chapter.**

§4305. Granting of contract

- Whenever the governor and the Legislative Budget Committee finds that a manufacturing establishment satisfies the contract submitted by the Board of Commerce and Industry satisfies the requirements of this Chapter, they shall advise the Board of Commerce and Industry that it may enter into a contract with such establishment exempting it from taxation as provided in this Section.
 - B. Exemptions from taxation may be granted for the following:
 - (1) The corporation franchise tax.
 - (2) The corporation income tax.
- (3) Sales and use taxes imposed by the state on machinery and equipment to be used by the applicant, on materials and building supplies, whether purchased directly or through a contractor, to be used in repair, reconstruction, modification, or construction of plant and facilities, and on materials and supplies necessary for or used in the manufacture or production of the product of the applicant.
- (4) Sales and use taxes imposed by the state on any other goods
- and services used or consumed by the applicant.

 (5) Any other taxes imposed directly by the state on the applicant.
- C. The total amount of tax exemptions granted to manufacturing establishments under the provisions of this Chapter for any fiscal year shall not exceed four percent of the corporate franchise, corporation income, and sales and use taxes collected during the fiscal year eceding the fiscal year for which the exemptions are granted. §4306. Rules and regulations

The Department of Economic Development and the Board of Commerce and Industry may make and promulgate such rules and regulations consistent with the provisions of this Chapter as are necessary to carry out the provisions of this Chapter."

On motion of Senator Mount, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 338— BY SENATOR THEUNISSEN

AN ACT

To enact R.S. 47:301(3)(j) and (13)(l), relative to the state sales and use tax; to provide for a limitation on the sales price and cost price of natural gas; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Revenue and Fiscal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Original Senate Bill No. 338 by Senator Theunissen

AMENDMENT NO.1

On page 1, at the end of line 16, delete "four" and delete line 17, and insert: "six dollars and twenty cents per MMBtu."

AMENDMENT NO. 2 On page 2, at the end of line 6, delete "four" and delete line 7, and insert: "six dollars and twenty cents per MMBtu."

On motion of Senator Mount, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

House Bills and Joint Resolutions on Second Reading **Reported by Committees**

The following House Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

HOUSE BILL NO. 103-

BY REPRESENTATIVE FRITH

AN ACT

To enact R.S. 17:3048.1(A)(5), to permit use of Tuition Opportunity Program for Students Opportunity, Performance, and Honors Awards at certain out-of-state nonpublic colleges and universities; to provide conditions for and limitations on such use; to provide relative to award amounts; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Education. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 124—

BY REPRESENTATIVES WOOTON AND DARTEZ AND SENATORS DUPRE AND B. GAUTREAUX

AN ACT amend and reenact R.S. 56:305(H) and to enact R.S. 56:302.3(B)(5)(c), relative to shrimp gear licenses; to provide for additional fees for such licenses; to provide relative to deposit and use of the revenues from such additional fees; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Engrossed House Bill No. 124 by Representative Wooton

AMENDMENT NO.1

On page 1, line 15, change "For license year 2006," to "From July 1, 2005 through June 30, 2006,"

AMENDMENT NO. 2

On page 2, delete line 4, and insert "H. (1) For license years year 2005 and 2006, in addition to any other fees"

AMENDMENT NO. 3 On page 2, delete line 7, and insert "ten dollars for residents and forty dollars for nonresidents for deposit into"

AMENDMENT NO. 4

On page 2, between lines 10 and 11, insert the following:

(2) For license year 2006, in addition to any other fees provided for in this Section, any commercial fisherman who purchases a trawl, skimmer, or butterfly gear license shall be required to pay an annual fee of fifteen dollars for residents and sixty dollars for nonresidents for deposit into the Shrimp Trade Petition Account

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as provided for in R.S. 56:10(B)(1)(b)(ii). The licensee shall pay the fee required by this Subsection only once in any single license year.

On motion of Senator Malone, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 137— BY REPRESENTATIVE BRUNEAU

AN ACT
To amend and reenact R.S. 33:9091.1(F)(1) and (3), relative to the Lakeview Crime Prevention District; to provide for changing the amount and the term of the parcel fee levied for the district; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Engrossed House Bill No. 137 by Representative Bruneau

AMENDMENT NO.1

On page 1, line 2, after "R.S. 33:9091.1" and before "(F)(1)" insert

AMENDMENT NO. 2 On page 1, line 3, after "District;" and before "to provide" insert "to provide relative to the powers and duties of the board;'

AMENDMENT NO. 3 On page 1, line 9, after "R.S. 33:9091.1" and before "(F)(1)" insert

AMENDMENT NO. 4 On page 1, between lines 12 and 13, insert the following:

"E. Powers and duties. (1) The district, acting through its board of commissioners, shall have the following powers and duties:

(1) (a) To sue and be sued.

(2) (b) To adopt, use, and alter at will a corporate seal.

- (3) (c) To receive and expend funds collected pursuant to Subsection E and in accordance with a budget adopted as provided by Subsection F of this Section.
- (4) (d) To enter into contracts with individuals or entities, private or public, for the provision of security patrols in the district. (5) (e) To purchase items and supplies which the board deems

instrumental to achieving the purpose of the district.

(6) (f) To perform or have performed any other function or activity necessary for the achievement of the purpose of the district.

(2) The board shall only enter into a contract for professional services, including but not limited to contracts for accounting, legal, monitoring, or statistical gathering services, with a resident contractor if the services are to be provided by an individual or private legal entity, unless the board is unable to find a qualified resident contractor after advertising for such services for at least thirty days in a newspaper of general circulation in the district and the board votes to enter into a contract with a nonresident contractor by a vote of two-thirds of the total membership of the board. For purposes of this Subsection, the term "resident contractor" shall mean, if the contractor is an individual, a resident of the district, and, if the contractor is a private legal entity, a legal entity with its primary business office located within the district.

On motion of Senator Fields, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

25th DAY'S PROCEEDINGS

HOUSE BILL NO. 205— BY REPRESENTATIVE JEFFERSON

AN ACT

To enact R.S. 33:9091.9, relative to the Twinbrook Security District; to create and provide with respect to such district, including provisions for the district and its board of commissioners and their powers, duties, functions, and responsibilities; to provide for the imposition and collection of a parcel fee and for the use thereof; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative

HOUSE BILL NO. 206— BY REPRESENTATIVE JEFFERSON

AN ACT

To enact R.S. 33:9091.9, relative to the Touro Bouligny Security District; to create and provide with respect to such district, including provisions for the district and its board of commissioners and their powers, duties, functions, and responsibilities; to provide for the imposition and collection of taxes and for the use thereof; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative

HOUSE BILL NO. 245-

BY REPRESENTATIVE T. POWELL

AN ACT
To amend and reenact R.S. 56:302.3(B)(1) and (C) and 305(B)(2) and (C)(1) and to enact R.S. 56:10(B)(1)(e) and (13), relative to providing additional funds for the enhancement of the crab fishery in Louisiana; to increase the fee for the purchase of crab gear licenses; to dedicate the revenues from such fee increase; to create the Crab Promotion and Marketing Account in the Seafood Promotion and Marketing Fund; to create the Derelict Crab Trap Removal Program Account in the Conservation Fund; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 269-

BY REPRESENTATIVE BAYLOR

AN ACT

To amend and reenact R.S. 2:135.1(B)(2)(b), relative to certain airport leases; to increase the maximum extension of the primary term of certain airport leases; and to provide for related

Reported favorably by the Committee on Transportation, Highways and Public Works. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 280-

BY REPRESENTATIVE GALLOT

AN ACT

To amend and reenact R.S. 38:2869, 2870(A)(7), and 2872, relative to the Claiborne Parish Watershed District; to provide relative to the powers and duties of the board of commissioners; to provide relative to contracts of the district; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

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HOUSE BILL NO. 349— BY REPRESENTATIVE BOWLER

AN ACT

To authorize and provide for the lease or transfer of certain state property in Jefferson Parish to the Jefferson Parish School Board; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Reengrossed House Bill No. 349 by Representative Bowler

AMENDMENT NO.1 On page 2, at the end of line 5, delete the period and insert "; subject to an Act of Transfer, with reversionary provisions, dated October of 1979, between the State of Louisiana, through the Division of Administration, and the City of Harahan, recorded in COB 970 folio 285; Act of Correction dated 1987 purporting to remove said reversionary provisions, recorded in COB 1701 folio 137; and Louisiana Department of Justice Opinion of the Attorney General No. 93-681, dated October 29, 1993, to Raymond J. Laborde, Commissioner of Administration, advising and concluding that the ownership of the subject property has reverted back and vested in full ownership and free of encumbrances to the State of Louisiana inchoately, subject to formalization by a subsequent reconveyance; that the said purported Act of Correction is without legal effect; that the City of Harahan is required to execute an act translative of title reconveying the subject property to the state; and that should the state desire to transfer title to property it must receive fair value for any property transferred unless substantial and equivalent public benefits are to be realized.

AMENDMENT NO.2

On page 2, line 17, after "Board" delete the period and insert ", in exchange of consideration proportionate to the appraised value of the property.

AMENDMENT NO. 3

On page 2, after line 17, insert "Section 3. The provisions of this Act shall expire on August 15, 2007."

On motion of Senator Malone, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 376— BY REPRESENTATIVE SALTER

AN ACT

To amend and reenact R.S. 33:7702, relative to waterworks districts; to provide relative to the procedures for consolidating certain waterworks districts in the parish of Sabine; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 379-

JSE BILL NO. 317— BY REPRESENTATIVE HUTTER AN ACT

To enact Chapter 17-D of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:850.1, relative to St. Bernard Parish; to create the St. Bernard Parish Arts, Culture, and Entertainment District; to provide relative to the purpose, governance, powers, and duties of the district; to provide relative to district plans; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the

Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 426— BY REPRESENTATIVE WALKER AND SENATOR HINES

AN ACT

To amend and reenact R.S. 33:130.581(A), 130.582(A)(introductory paragraph), 130.583(introductory paragraph), (4), and (5), and 130.584(A) and (B)(introductory paragraph) and to enact R.S. 33:130.582(A)(9), (B)(3), and (D) and 130.585, relative to economic development in Avoyelles Parish; to create and provide for the Avoyelles Parish Economic Development District; to provide relative to the powers, duties, governing authority, and advisory board of the district; to provide relative to the Economic Development Board for the Parish of Avoyelles and its advisory board; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 515-

BY REPRESENTATIVE PIERRE

AN ACT

To amend and reenact R.S. 30:136.1(D), relative to fees on state mineral leases; to increase the fee levied on mineral leases on state lands which is dedicated to the Conservation Fund; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 535-

BY REPRESENTATIVE TRICHE

AN ACT

To amend and reenact R.S. 56:305.6, relative to the moratorium on the issuance of commercial crab trap gear licenses; to authorize issuance of such licenses to certain persons; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 617-

BY REPRESENTATIVES KENNARD AND THOMPSON

AN ACT

To enact R.S. 56:410.10, relative to fishing; to prohibit the use of certain fishing gear on Poverty Point Reservoir; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 680-

BY REPRESENTATIVE HUNTER

AN ACT

To amend and reenact R.S. 23:1101(B), 1102(A)(2), 1208(D) and (G), 1226(A) and (B)(3)(a), 1272(D), 1291(C)(3), (4), and (5), 1310.3(E), 1310.7(B) and (C), 1377(B)(1), and 1378(A)(5) and (8)(a) and (b) and to enact R.S. 23:1032.1 and 1034.2(C)(4), and to repeal R.S. 23:1101(D) and 1168(A)(2)(b), relative to workers' compensation; to provide for definitions; to provide for penalties for failure to secure workers' compensation insurance; to provide for reimbursement of dental services; to provide relative to third-party suits; to provide for nurse case managers; to eliminate methods of securing workers' compensation insurance; to provide for the payment of penalties imposed for misrepresentations; to provide for reporting of earnings; to provide for vocational rehabilitation counseling; to provide relative to lump sum settlements; to provide relative to the records management, fraud, and workplace safety sections of the office workers' compensation administration; to provide for the

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jurisdiction of the workers' compensation judges; to provide for penalties and requirements for findings of contempt of court; to provide for the necessary allegations in a workers' compensation petition; to provide relative to the Second Injury Fund budget, assessments, and liabilities; and to provide for related matters.

Reported with amendments by the Committee on Labor and Industrial Relations.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Labor and Industrial Relations to Reengrossed House Bill No. 680 by Representative

AMENDMENT NO.1

On page 1, line 8, after "party suits;" delete "to provide for nurse case managers;

AMENDMENT NO. 2

On page 2, line 9, after "employee" insert "or the legal dependent of a deceased employee'

AMENDMENT NO. 3:

On page 2, line 10, after "legal damages." delete the remainder of the sentence and delete line 11 in its entirety and insert in lieu thereof the following: "Should the direct employer offer to pay the judgment for workers' compensation benefits and the employee or the legal dependent of a deceased employee accepts the offer of payment, such payment shall also discharge and satisfy

AMENDMENT NO. 4:

On page 2, line 13, after "employee" insert "or the legal dependent of a deceased employee"

AMENDMENT NO. 5:

On page 2, line 14, after "employee" insert "or the legal dependent of a deceased employee" and after "connection with" delete "his" and insert "the" insert "the

AMENDMENT NO. 6: On page 2, line 15, after "employee" insert "or the legal dependent of a deceased employee'

AMENDMENT NO. 7:

On page 2, line 16, after "legal damages," delete "he" and insert "the employee or the legal dependent of a deceased employee"

<u>AMENDMENT NO. 8</u>:

On page 2, line 18, after "employee" insert "or the legal dependent of a deceased employee"

On motion of Senator Nevers, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 752—

BY REPRESENTATIVES DARTEZ AND ST. GERMAIN AND SENATOR DUPRE

AN ACT

To amend and reenact R.S. 56:34(A)(1) and (2) and 495.1(E) and to enact R.S. 56:495.1(G) and 497.1, relative to shrimping; to provide for criminal penalties for class four violations; to provide for managing the shrimp fishery; to provide for issuance and restriction of certain gear licenses; to provide for operating vessel monitoring systems; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

25th DAY'S PROCEEDINGS

HOUSE BILL NO. 853—

BY REPRESENTATIVES HUTTER AND ODINET

AN ACT

To enact Chapter 13-F of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:4720.91, relative to St. Bernard Parish; to create the St. Bernard Parish Housing, Redevelopment and Quality of Life Commission; to provide for the formation of a program by St. Bernard Parish for the utilization of appropriate private and public resources to eliminate and prevent the development or spread of slum, blighted, and distressed areas; to allow the rehabilitation, clearance, and redevelopment of slum, blighted, and distressed areas in accordance with redevelopment plans or projects approved by the local governing body; to define the duties, liabilities, authority, and functions of such redevelopment commission, including the acquisition of property by purchase, gift, expropriation, or otherwise; to authorize the commission to levy and collect ad valorem and sales and use taxes, subject to voter approval; to dispose of property by sale or lease; to issue bonds, borrow money, and give security therefor; to provide for notice and hearing; to enter into agreements to secure federal aid; to authorize public bodies to furnish funds, services, facilities, and property in aid of redevelopment projects; to provide for tax exemptions; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

Reconsideration

On motion of Senator Marionneaux, pursuant to the previous notice given, the vote by which the following bill failed to pass on Monday, June 6, 2005, was reconsidered.

SENATE BILL NO. 354— (Substitute of Senate Bill No. 314 by Senator Marionneaux) BY SENATOR MARIONNEAUX AN ACT

To enact Part XLII-A of Chapter 5 of Title 40 of the Louisiana Revised Statute of 1950, to be comprised of R.S. 40:1300.30, relative to the preservation and improvement of the health, comfort, and environment of the people of the state by limiting exposure to tobacco smoke; to create the Louisiana Clean Indoor Air Act; to provide relative to purposes, definitions, restrictions, exceptions and penalties; to provide for an effective date; and to provide for related matters.

On motion of Senator Marionneaux, the bill was read by title and returned to the Calendar, subject to call.

Rules Suspended

Senator Marionneaux asked for and obtained a suspension of the rules for the purpose of taking up at this time.

Called from the Calendar

Senator Marionneaux asked that Senate Resolution No. 48 be called from the Calendar at this time.

SENATE RESOLUTION NO. 48-

NATE KESULUTION NO. 48—
BY SENATORS MARIONNEAUX, ADLEY, AMEDEE, BAJOIE, BARHAM, BOASSO, BROOME, CAIN, CHAISSON, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAUX, N. GAUTREAUX, HEITMEIER, HINES, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, ROMERO, SCHEDLER, SMITH, THEUNISSEN AND ULLO

A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army Staff Specialist Jeremy M. Heines upon his death in Operation Iraqi Freedom.

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On motion of Senator Marionneaux, the resolution was read by title and adopted.

Regular Order of the Day Resumed Special Order of the Day

The following Senate Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 1, was taken up and acted upon as follows:

SENATE BILL NO. 146— BY SENATORS BAJOIE AND MCPHERSON

AN ACT

To enact R.S. 17:197.1, relative to school nutrition; to provide for legislative finding; to limit the sale of certain beverages and foods at schools during specified portions of the day; to require certain decisions be made by school principals; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and returned to the Calendar, subject to call.

Senate Concurrent Resolutions Returned from the House of Representatives with Amendments

The following Senate Concurrent Resolutions returned from the House of Representatives with amendments were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 41—

BY SENATOR BAJOIE

A CONCURRENT RESOLUTION

To urge and request the secretary of the Department of Health and Hospitals to develop a plan for the consolidation of programs and services for elderly persons and persons with adult onset disabilities into a separate office within the Department of Health and Hospitals.

The resolution was read by title. Returned from the House of Representatives with the following amendments:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Health and Welfare to Engrossed Senate Concurrent Resolution No. 41 by Senator Bajoie

 $\frac{AMENDMENT\ NO.\ 1}{On\ page\ 1,\ line\ 3,}\ after\ "services"\ and\ before\ "for"\ insert\ "administered\ by\ the\ Department\ of\ Health\ and\ Hospitals"}$

AMENDMENT NO. 2 On page 1, line 13, after "services" and before "for" insert "administered by the Department of Health and Hospitals"

AMENDMENT NO. 3 On page 2, line 4, after "services" and before "for" insert "administered by the Department of Health and Hospitals"

Senator Bajoie moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Marionneaux
Adley	Ellington	McPherson
Amedee	Fontenot	Michot
Bajoie	Gautreaux B	Mount

Barham Gautreaux N Murray Boasso Heitmeier Nevers Cain Hollis Romero Jackson Schedler Chaisson Cheek Jones Smith Cravins Kostelka Theunissen Dardenne Lentini Ullo Malone

Duplessis Total - 35

NAYS

Total - 0

ABSENT

Broome Total - 2 Fields

The Chair declared the amendments proposed by the House were concurred in. Senator Bajoie moved to reconsider the vote by which the amendments were concurred in and laid the motion on the

Senate and Concurrent Resolutions on Second Reading **Reported by Committees**

The following Senate and Concurrent Resolutions reported by Committees were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 75— BY SENATORS N. GAUTREAUX, CAIN, DUPRE, MALONE, MCPHERSON AND ROMERO

A CONCURRENT RESOLUTION

To create a task force to study state royalty and tax incentives applicable to the oil and gas industry in order to promote increased oil and gas exploration and drilling activity in Louisiana.

Reported with amendments by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Original Senate Concurrent Resolution No. 75 by Senator N. Gautreaux

AMENDMENT NO.1

On page 1, line 2, after "tax" delete the remainder of the line and delete lines 3 and 4, and insert "policy relative to the exploration and production within the oil and gas industry in order to align the

interests of the state and the industry in Louisiana.

WHEREAS, the state has a fiduciary responsibility to manage the mineral resources for the maximum benefit to the citizens of the state of Louisiana to ensure stable and dependable sources of revenue and sound and strategic financial planning to ensure a positive quality of life for its citizens; and

WHEREAS, the state has a responsibility to manage the development of its mineral resources in a manner that preserves and protects the quality of the land, air, water, and other renewable natural resources; and"

AMENDMENT NO. 2

On page 1, line 11, after "activity" insert a period and delete the remainder of the line, and delete lines 12 through 16

AMENDMENT NO. 3

On page 1, delete line 18, and insert "create the Oil and Gas Strategic Financial Planning Task Force to conduct a study to determine the royalty, tax, and mineral management policies that will serve the state and parish future financing needs through optimal exploitation and development of remaining oil and natural gas resources in the interests of all residents.'

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AMENDMENT NO. 4

On page 2, delete line 1

AMENDMENT NO. 5 On page 2, line 2, delete "Incentives" and insert "Strategic Financial Planning"

AMENDMENT NO. 6
On page 2, between line 13 and 14, insert
"(10) The chairman of the Louisiana Tax Commission or

(11) The secretary of the Department of Environmental Quality or designee.'

AMENDMENT NO. 7

On page 2, line 14, delete "Incentives" and insert "Strategic Financial

AMENDMENT NO. 8 On page 2, delete lines 19 and 20, and insert

"BE IT FURTHER RESOLVED that the chair of the Task Force may appoint four additional individuals representing professional areas of expertise, including one individual who shall be an economist who resides in the state and who has expertise concerning the oil and gas industry in Louisiana."

AMENDMENT NO. 9

On page 2, line 21, delete "Incentives" and insert "Strategic Financial Planning"

AMENDMENT NO. 10

On page 2, line 30, change "31" to "1"

AMENDMENT NO. 11

On page 3, line 3, after "Fisheries," insert "the chairman of the Tax Commission, the secretary of the Department of Environmental Quality,"

On motion of Senator Malone, the committee amendment was adopted. The amended resolution was read by title and ordered engrossed and passed to a third reading.

SENATE CONCURRENT RESOLUTION NO. 83—BY SENATOR BARHAM

A CONCURRENT RESOLUTION

To create and establish a commission to study and make recommendations regarding the effect of tax exemptions relative to the funding of education in Louisiana.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Original Senate Concurrent Resolution No. 83 by Senator Barham

AMENDMENT NO.1

On page 2, between lines 11 and 12, insert:

"(3) Two members shall be the chair of the Senate Committee on Revenue and Fiscal Affairs, or her designee, and the chair of the House Committee on Ways and Means, or his designee,"

AMENDMENT NO. 2

On page 2, line 12, change "(3) to "(4)"

AMENDMENT NO. 3

On page 2, line 13, change "(4) to "(5)"

AMENDMENT NO. 4

On page 2, line 14, change "(5) to "(6)"

AMENDMENT NO. 5

On page 2, line 15, change "(6) to "(7)"

AMENDMENT NO. 6

On page 2, between lines 16 and 17, insert:

"(8) One member shall be chosen by the Louisiana Tax Commission.

25th DAY'S PROCEEDINGS

AMENDMENT NO. 7

On page 2, line 21, after "elected" insert "and appointed"

AMENDMENT NO. 8 On page 2, line 23, after "education" insert: ", the Senate Committee on Revenue and Fiscal Affairs, the House Committee on Ways and Means,"

AMENDMENT NO. 9

On page 2, line 27, after "education" insert: ", the Senate Committee on Revenue and Fiscal Affairs, the House Committee on Ways and Means, all"

On motion of Senator Mount, the committee amendment was adopted.

The resolution was read by title. Senator Barham moved to adopt the amended Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Marionneaux
Adley	Ellington	McPherson
Amedee	Fontenot	Michot
Barham	Gautreaux B	Mount
Boasso	Gautreaux N	Murray
Cain	Heitmeier	Nevers
Chaisson	Hollis	Romero
Cheek	Jackson	Schedler
Cravins	Kostelka	Smith
Dardenne	Lentini	Theunissen
Duplessis	Malone	Ullo

Total - 33

NAYS

Total - 0

ABSENT

Fields Bajoie Broome Jones

Total - 4

The Chair declared the Senate had adopted the amended Senate Concurrent Resolution and ordered it engrossed and sent to the House.

Senate Bills and Joint Resolutions on Third Reading and Final Passage

The following Senate Bills and Joint Resolutions on Third Reading and Final Passage were taken up and acted upon as follows:

SENATE BILL NO. 52— BY SENATOR CHEEK

AN ACT

To enact R.S. 42:1121(H), relative to the Code of Governmental Ethics; to provide for an exception to the post-service restrictions to allow certain employment by the board of commissioners of the DeSoto Parish Waterworks District No.1; and to provide for related matters.

The bill was read by title. Senator Cheek moved the final passage of the bill.

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ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Marionneaux Dupre Adley Amedee Ellington McPherson Fontenot Michot Barham Gautreaux B Murray Boasso Gautreaux N Nevers Heitmeier Schedler Cain Chaisson Hollis Smith Cheek Jackson Theunissen Dardenne Jones Ullo

Duplessis Kostelka

Total - 29

NAYS

Lentini Romero

Total - 2

ABSENT

Bajoie Cravins Malone Broome Fields Mount

Total - 6

The Chair declared the bill was passed. The title was read and adopted. Senator Cheek moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 197-

BY SENATOR BAJOIE

AN ACT

To enact R.S. 18:1363(G), relative to voting, voting machines, and equipment; to provide for the allocation of additional voting machines and commissioners in case of overcrowded precincts; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and returned to the Calendar, subject to call.

Senate Bills and Joint Resolutions on Third Reading and Final Passage, **Subject to Call**

The following Senate Bills and Joint Resolutions on Third Reading and Final Passage, subject to call, were taken up and acted upon as follows:

Called from the Calendar

Senator Bajoie asked that Senate Bill No. 146 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 146— BY SENATORS BAJOIE AND MCPHERSON AN ACT

To enact R.S. 17:197.1, relative to school nutrition; to provide for legislative finding; to limit the sale of certain beverages and foods at schools during specified portions of the day; to require certain decisions be made by school principals; and to provide for related matters.

Floor Amendments Sent Up

Senator Bajoie sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bajoie to Engrossed Senate Bill No. 146 by Senator Bajoie

AMENDMENT NO.1

On page 2, line 21, after "as defined" delete "by Pennington" and all of line 22 and insert "in Section 220.2 of Title 7 of the Code of Federal Regulation'

AMENDMENT NO. 2

On page 3, line 3, after "Section." delete the remainder of the line and all of line 4

AMENDMENT NO. 3 On page 3, line 5, delete "nutritional value following any applicable federal guidelines.

AMENDMENT NO. 4

On page 3, line 6, after "may" delete "also"

On motion of Senator Bajoie, the amendments were adopted.

Floor Amendments Sent Up

Senator Schedler sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Schedler to Engrossed Senate Bill No. 146 by Senator Bajoie

AMENDMENT NO.1

On page 2, line 2 after "B." insert "(1)"

AMENDMENT NO. 2

On page 2, line 5, change "twelve" to "sixteen"

AMENDMENT NO. 3

On page 2, line 9, change "(1)" to "(a)"

AMENDMENT NO. 4

On page 2, delete line 12 and insert

(b) Unsweetened flavored drinking water or unflavored drinking water.

AMENDMENT NO. 5

On page 2, delete line 13 and insert

(c) Low-fat milk, skim milk, flavored milk, and non-dairy milk.

AMENDMENT NO. 6

On page 2, between lines 13 and 14 insert the following:

(2) Beginning the last ten minutes of each lunch period and except for beverages sold as part of the school lunch program, operated pursuant to Subpart B of Part III of Chapter 1 of this Title, the selection of beverages offered for sale to students in grades nine through twelve, shall be comprised of no less than fifty percent from the beverages listed in Paragraph (1) of Subsection (B) of this Section.

AMENDMENT NO. 7 On page 3, line 8 after "school" insert "or school"

AMENDMENT NO. 8
On page 3, after line 12 insert the following:
"G. The State Board of Element "G. The State Board of Elementary and Secondary Education shall provide by rule for the placement and time of availability of competitive foods in both elementary and secondary schools and provide for the enforcement of those rules.

H. Nothing in this Section shall be construed to prohibit or limit the sale or distribution of any food or beverage item

through fund raisers by students, teachers, or groups when the items are intended for sale off the school campus.

I. The provisions of this Section shall be effective for schools

and school districts, beginning the 2005-2006 school year.

On motion of Senator Schedler, the amendments were adopted.

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Senator Ellington in the Chair

Floor Amendments Sent Up

Senator Schedler sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed Senator Schedler to Engrossed Senate Bill No. 146 by Senator Bajoie

AMENDMENT NO.1

On page 3, after line 12, insert the following:

"J. Beginning in the 2006-2007 school year, each elementary and secondary school shall require all of the following:

(1) Encouraging and motivating children of all physical abilities to participate in physical activity for the purpose of allowing all children to reach their full potential as individuals.

(2) Improving physical activity and fitness in schools by

encouraging innovative physical education programs that consist of physical exertion of a moderate to vigorous intensity level.

(3) Improving nutrition in children by making available during the day snacks with higher nutritional values.

(4) Improving the education of children about the importance of physical activity and improved nutrition and the effects of both on improving health.

(5) Encouraging increased parental awareness of the positive impact on health and fitness of increasing the activity level of children and of improving nutrition.

(6) Encouraging daily physical activity and the development

of lifelong patterns of physical activity.

(7) Encouraging the enjoyment of physical activity and the improvement of nutritional and eating habits.

On motion of Senator Schedler, the amendments were adopted.

Floor Amendments Sent Up

Senator Schedler sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Schedler to Engrossed Senate Bill No. 146 by Senator Bajoie

AMENDMENT NO.1

In Senate Floor Amendment No. 6 proposed by Senator Scheldler and adopted by the Senate on June 7, 2005, on line 17 delete "grades" and on line 18 "nine through twelve" and insert "State Board of Elementary and Secondary defined high schools"

On motion of Senator Schedler, the amendments were adopted.

Floor Amendments Sent Up

Senator Chaisson sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Chaisson to Engrossed Senate Bill No. 146 by Senator Bajoie

AMENDMENT NO.1

Delete Senate Floor Amendment No. 1 of Senate Floor Amendments proposed by Senator Bajoie and adopted by the Senate on June 7, 2005.

AMENDMENT NO. 2
On page 2, delete lines 14 through 26 and insert the following:

"(C) Beginning the last ten minutes of each lunch period and except for food items sold as part of the school lunch program, operated pursuant to Subpart B of Part III of Chapter 1 of this Title, the selection of food items offered for sale to students in

State Board of Elementary and Secondary Education defined high schools shall be comprised of no less than fifty percent of the food items that meet the same nutritional standards as the beverages provided for in Subsection B of this Section.

Motion

Senator Heitmeier moved the previous question on the entire subject matter.

Without objection, so ordered.

Senator Chaisson moved adoption of the amendments.

Senator Bajoie objected.

ROLL CALL

The roll was called with the following result:

YEAS

Amedee	Ellington	McPherson
Barham	Fontenot	Michot
Boasso	Gautreaux B	Mount
Cain	Gautreaux N	Nevers
Chaisson	Heitmeier	Romero
Cheek	Hollis	Schedler
Cravins	Kostelka	Smith
Dardenne	Malone	Theunissen
Dupre	Marionneaux	
Total - 26		

NAYS

Adley	Fields	Murray
Bajoie	Jackson	Ullo
Broome	Jones	
Duplessis	Lentini	
Total - 10		

ABSENT

Mr. President

The Chair declared the amendments were adopted.

The bill was read by title. Senator Bajoie moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

M., D., .: J.,	E11:	M - DL
Mr. President	Ellington	McPherson
Adley	Fontenot	Michot
Amedee	Gautreaux B	Mount
Bajoie	Gautreaux N	Murray
Boasso	Heitmeier	Nevers
Broome	Hollis	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Duplessis	Malone	
Dupre	Marionneaux	

Dupre Total - 34

NAYS

Barham Cain Fields Total - 3

ABSENT

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June 7, 2005

Total - 0

The Chair declared the amended bill was passed. The title was read and adopted. Senator Bajoie moved to reconsider the vote by which the bill was passed and laid the motion on the table.

House Concurrent Resolutions on Second Reading **Reported by Committees**

The following House Concurrent Resolutions reported by Committees were taken up and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 18-

BY REPRESENTATIVES FAUCHEUX AND QUEZAIRE AND SENATOR AMEDEE

A CONCURRENT RESOLUTION

To urge and request the office of state parks of the Louisiana Department of Culture, Recreation and Tourism in coordination with the Louisiana Department of Wildlife and Fisheries to study the suitability of establishing a state park in the Maurepas Swamp Wildlife Management Area (WMA) and to report findings to the House Committee on Municipal, Parochial and Cultural Affairs and the Senate Committee on Natural Resources prior to the beginning of the 2006 Regular Session of the Legislature.

Reported favorably by the Committee on Natural Resources.

The resolution was read by title. Senator Amedee moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Marionneaux
Adley	Dupre Ellington	McPherson
Amedee	Fields	Michot
Bajoie	Fontenot	Mount
Barham	Gautreaux B	Murray
Boasso	Gautreaux N	Nevers
Broome	Heitmeier	Romero
Cain	Hollis	Schedler
Chaisson	Jackson	Smith
Cheek	Jones	Theunissen
Cravins	Kostelka	Ullo
Dardenne	Lentini	
Duplessis	Malone	
m 1 0m		

Total - 37

NAYS

Total - 0

ABSENT

Total - 0

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 54—BY REPRESENTATIVE ALEXANDER

A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to study the future income-earning capacity of individuals who pass the General Education Development (GED) examination in comparison to the future income-earning capacity of individuals who obtain a standard high school diploma, to submit a written report of its findings and recommendations to the House Committee on Education and the Senate Committee on Education not later than two weeks prior to the beginning of the 2006 Regular Session, and if the study

finds that individuals who obtain a GED have a lower incomeearning capacity than those who obtain a standard high school diploma, to include in the report an explanation of reasons the GED is promoted as an equivalent to a standard high school diploma in Louisiana.

Reported favorably by the Committee on Education.

The resolution was read by title. Senator Theunissen moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	McPherson
Adley	Fontenot	Michot
Amedee	Gautreaux B	Mount
Barham	Gautreaux N	Murray
Boasso	Heitmeier	Nevers
Cain	Hollis	Romero
Chaisson	Jones	Schedler
Cheek	Kostelka	Smith
Cravins	Lentini	Theunissen
Dardenne	Malone	Ullo
Dupre	Marionneaux	

Dupre Total - 32

NAYS

Broome Total - 2 Fields

ABSENT

Bajoie Total - 3 Duplessis Jackson

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 77-

USE CONCURRENT RESOLUTION NO. 77—
BY REPRESENTATIVES M. POWELL AND SENATOR MALONE AND REPRESENTATIVES ALEXANDER, ARNOLD, BADON, BALDONE, BAUDOIN, BEARD, BOWLER, BRUCE, BRUNEAU, BURNS, K. CARTER, CAZAYOUX, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DOERGE, DORSEY, DOVE, DOWNS, ERDEY, FANNIN, FARRAR, FAUCHEUX, FRITH, GEYMANN, GLOVER, GREENE, E. GUILLORY, HAMMETT, HILL, HONEY, HOPKINS, HUTTER, JACKSON, JOHNS, KATZ, KENNARD, KLECKLEY, LAFLEUR, LAFONTA, LAMBERT, LANCASTER, MARCHAND, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRISH, ODINET, PIERRE, T. POWELL, RICHMOND, ROBIDEAUX, SCALISE, SCHNEIDER, SHEPHERD, SMILEY, GARY SMITH, JANE SMITH, JOHN SMITH, STRAIN, THOMPSON, TOOMY, TRAHAN, TRICHE, TUCKER, WADDELL, WALSWORTH, WHITE, AND WRIGHT WRIGHT

A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to develop, adopt, and submit to the legislature for its approval and funding a minimum foundation program formula for the 2006-2007 school year that requires at least seventy percent of local school system general fund monies to be expended at the school building level for instructional services and further requires at least sixty-five percent of the general fund monies to be spent at the classroom level for the instruction of students by teachers and instructional staff members; to provide for a report by the state board to the House and Senate education committees prior to the 2006 Regular Session relative to certain local school system expenditures; and to provide for related matters.

Reported favorably by the Committee on Education.

The resolution was read by title. Senator Malone moved to concur in the House Concurrent Resolution.

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June 7, 2005

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Malone
Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Barham	Fontenot	Michot
Boasso	Gautreaux B	Mount
Broome	Gautreaux N	Murray
Cain	Heitmeier	Nevers
Chaisson	Hollis	Romero
Cheek	Jackson	Schedler
Cravins	Jones	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Lentini	Ullo

NAYS

Total - 0

Total - 36

ABSENT

Bajoie Total - 1

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

House Bills and Joint Resolutions on Third Reading and Final Passage

The following House Bills and Joint Resolutions on Third Reading and Final Passage were taken up and acted upon as follows:

HOUSE BILL NO. 26— BY REPRESENTATIVE MCVEA

AN ACT
To amend and reenact R.S. 33:1236(55)(c), relative to the fees required to be charged by the clerk of court of East Feliciana Parish and remitted to the parish governing authority; to specify that the fees shall cover expenses of the office of the clerk; and to provide for related matters.

The bill was read by title. Senator Marionneaux moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Malone
Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Barham	Fontenot	Michot
Boasso	Gautreaux B	Mount
Broome	Gautreaux N	Murray
Cain	Heitmeier	Nevers
Chaisson	Hollis	Romero
Cheek	Jackson	Schedler
Cravins	Jones	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Lentini	Ullo

Total - 36

NAYS

Total - 0

ABSENT

25th DAY'S PROCEEDINGS

Bajoie Ťotal - 1

The Chair declared the bill was passed. The title was read and adopted. Senator Marionneaux moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 117— BY REPRESENTATIVE FRITH

AN ACT
To amend and reenact Sections 9(B)(14)(Vermilion Parish) and 10(D)(23) of Act No. 590 of the 2004 Regular Session of the Louisiana Legislature, relative to the Revenue Sharing Fund; to provide with respect to certain distributions in Vermilion Parish for Fiscal Year 2004-2005; to provide for retroactive application of this Act; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator N. Gautreaux moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Malone
	Dupre	
Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Barham	Fontenot	Michot
Boasso	Gautreaux B	Mount
Broome	Gautreaux N	Murray
Cain	Heitmeier	Nevers
Chaisson	Hollis	Romero
Cheek	Jackson	Schedler
Cravins	Jones	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Lentini	Ullo

Total - 36

NAYS

Total - 0

ABSENT

Bajoie Total - 1

The Chair declared the bill was passed. The title was read and adopted. Senator N. Gautreaux moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 123— BY REPRESENTATIVES DOWNS AND GALLOT

AN ACT To enact R.S. 36:509(U) and Part XXXI of Chapter 13 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:3087.281 through 3087.295, relative to the Lincoln Parish Reservoir Authority; to create the Lincoln Parish Reservoir Authority as a state agency; to provide for a board of commissioners to manage the reservoir authority; to provide for the reimbursement of the amount originally paid for property returned to a prior landowner; to limit the authority of the district to expropriate property; to provide for the powers and duties of the authority including the authority to issue bonds; to prohibit certain actions; to provide for penalties; to provide relative to the authority's relationship with the Department of Transportation and Development and the Louisiana Wildlife and Fisheries Commission; and to provide for related matters.

The bill was read by title. Senator Kostelka moved the final passage of the bill.

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ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Marionneaux
Adley	Dupre Ellington	McPherson
Amedee	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Hollis	Schedler
Cheek	Jackson	Smith
Cravins	Jones	Theunissen
Dardenne	Kostelka	Ullo

Lentini

Duplessis Total - 35

NAYS

Malone

Total - 1

ABSENT

Bajoie Total - 1

The Chair declared the bill was passed. The title was read and adopted. Senator Kostelka moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 243— BY REPRESENTATIVE QUEZAIRE

AN ACT

To authorize and provide for the conveyance of certain state property in Allen Parish and East Baton Rouge Parish to the Department of Transportation and Development; and to provide for related

The bill was read by title. Senator Ellington moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	McPherson
Adley	Fontenot	Michot
Amedee	Gautreaux B	Mount
Boasso	Gautreaux N	Murray
Broome	Hollis	Nevers
Cain	Jackson	Romero
Chaisson	Jones	Schedler
Cheek	Kostelka	Smith
Dardenne	Lentini	Theunissen
Duplessis	Malone	Ullo

Marionneaux

Dupre Total - 32

NAYS

Cravins Total - 1

ABSENT

Bajoie Fields Barham Heitmeier

Total - 4

The Chair declared the bill was passed. The title was read and adopted. Senator Ellington moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Senator Fields in the Chair

HOUSE BILL NO. 271— BY REPRESENTATIVE BAYLOR

AN ACT
To amend and reenact R.S. 47:332.6(B), relative to the dedication of certain sales tax revenues in the city of Shreveport; to change the dedication and allowable uses of monies in the Shreveport Riverfront and Convention Center and Independence Stadium Fund; to provide for an effective date; and to provide for related

On motion of Senator Malone, the bill was read by title and returned to the Calendar, subject to call.

HOUSE BILL NO. 294— BY REPRESENTATIVE TOWNSEND

AN ACT

To enact R.S. 2:135.1(A)(4), relative to the lease of certain airport facilities at the Natchitoches Regional Airport; to exempt leases from provisions on leases of public lands; to require the governing authority of certain airports to meet certain requirements; and to provide for related matters.

Floor Amendments Sent Up

Senator B. Gautreaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator B. Gautreaux to Engrossed House Bill No. 294 by Representative Townsend

AMENDMENT NO.1
On page 1, line 18, after "(4)" insert "(a)"

AMENDMENT NO. 2
On page 2, between lines 8 and 9 insert as follows:
"(b) The governing authority of the Natchitoches Regional Airport shall give notice of the intent to enter into a lease for an area of operations space as provided for in Subparagraph (a) of this Paragraph. Such notice shall be published in the official journal of the parish of Natchitoches at least once a week for three consecutive weeks. The last day of publication shall be at least ten days prior to the execution of the lease. The notice shall state the parties to the lease and set forth a short summary of the its terms, conditions, and

On motion of Senator B. Gautreaux, the amendments were adopted.

The bill was read by title. Senator Smith moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Fields	Malone
Fontenot	Marionneaux
Gautreaux B	McPherson
Gautreaux N	Michot
Heitmeier	Murray
Hollis	Nevers
Jackson	Schedler
Jones	Smith
Kostelka	Theunissen
Lentini	Ullo
	Fontenot Gautreaux B Gautreaux N Heitmeier Hollis Jackson Jones Kostelka

NAYS

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June 7, 2005

25th DAY'S PROCEEDINGS

Barham Cain Romero Mount Boasso Total - 5

ABSENT

Mr. President Bajoie Total - 2

The Chair declared the amended bill was passed. The title was read and adopted. Senator Smith moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 509— BY REPRESENTATIVE TRICHE

AN ACT

To enact R.S. 32:853(A)(1)(e), relative to motor vehicle operating records; to provide relative to offenses included on an individual's operating record; to prohibit certain offenses from appearing on an individual's operating record; and to provide for related matters.

The bill was read by title.

Senator Adley moved that House Bill No. 509 be recommitted to the Committee on Insurance.

Senator B. Gautreaux objected.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Ellington	Michot
Amedee	Fields	Mount
Barham	Fontenot	Murray
Boasso	Gautreaux N	Nevers
Broome	Hollis	Romero
Cain	Jackson	Schedler
Cheek	Jones	Smith
Dardenne	Malone	
TD (1 00		

Total - 23

NAYS

Mr. President Dupre Marionneaux McPherson Chaisson Gautreaux B Cravins Kostelka Theunissen Duplessis Lentini Ullo

Total - 12

ABSENT

Bajoie Heitmeier

Ťotal - 2

The Chair declared the bill was recommitted.

HOUSE BILL NO. 8—

BY REPRESENTATIVE RITCHIE

AN ACT

To amend and reenact Code of Civil Procedure Article 4843(H), relative to the civil jurisdiction of the City Court of Bogalusa; to increase the jurisdictional amount in dispute in the City Court of Bogalusa; and to provide for related matters.

The bill was read by title. Senator Nevers moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Barham	Gautreaux B	Mount
Boasso	Gautreaux N	Murray
Broome	Heitmeier	Nevers
Cain	Hollis	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Lentini	Ullo
Dupre	Malone	

Total - 35

NAYS

Total - 0

ABSENT

Mr. President Total - 2

Cravins

The Chair declared the bill was passed. The title was read and adopted. Senator Nevers moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 16— BY REPRESENTATIVE FARRAR AND SENATOR MCPHERSON

AN ACT
To amend and reenact R.S. 14:32.1(A)(4), relative to vehicular homicide; to delete the requirement that the operator of a vehicle flee the scene of the accident as an element of the crime of vehicular homicide; and to provide for related matters.

The bill was read by title. Senator McPherson moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Dupre	Malone
Amedee	Ellington	Marionneaux
Bajoie	Fields	McPherson
Barham	Fontenot	Michot
Boasso	Gautreaux B	Murray
Broome	Heitmeier	Nevers
Cain	Hollis	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Lentini	Ullo
TT (1 22		

Total - 33

NAYS

Total - 0

ABSENT

Mr. President Gautreaux N Cravins Mount

Total - 4

The Chair declared the bill was passed. The title was read and adopted. Senator McPherson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Personal Privilege

Senator Mount asked for and obtained the floor of the Senate on a point of personal privilege, and stated she appeared as absent on the vote on House Bill No. 16. She had intended to vote yea on the bill. She asked that the Official Journal so state.

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June 7, 2005

HOUSE BILL NO. 17—
BY REPRESENTATIVES T. POWELL, BRUCE, BURRELL, CRAVINS, MARTINY, JANE SMITH, TRICHE, WHITE, AND WOOTON AN ACT

To amend and reenact Code of Criminal Procedure Article 571.1, relative to time limitations for prosecuting certain sex offenses; to amend the time limitations for instituting prosecutions for certain sex offenses involving a victim under the age of seventeen years; and to provide for related matters.

Floor Amendments Sent Up

Senator N. Gautreaux sent up floor amendments which were read

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator N. Gautreaux to Engrossed House Bill No. 17 by Representative T. Powell

AMENDMENT NO.1

On page 1, line 2, after "amend and reenact" insert "R.S. 15:538(D) and"

AMENDMENT NO. 2

On page 1, line 2, after "571.1," insert "to provide relative to conditions of probation, parole, and suspension or diminution of sentence and"

AMENDMENT NO. 3

On page 1, line 2, after "571.1" delete "relative to"

AMENDMENT NO. 4 On page 1, line 3, after "sex offenses;" insert "to provide for additional conditions of probation and parole in certain cases;

AMENDMENT NO. 5 On page 1, after line 19, insert "Section 2. R.S. 15:538(D) is hereby amended and reenacted to read as follows:

§538. Conditions of probation, parole, and suspension or diminution of sentence

(2) Any sexual offender, whose offense involved a minor child, and who was placed on probation or was paroled prior to August 15, 2004, shall have the following prohibitions added as conditions of probation and parole pursuant to Code of Criminal Procedure Articles 895 and 896 or R.S. 15:574.4 and R.S. 15:574.7:

(a) Going in, on, or within one thousand feet of the school property of any public or private elementary or secondary school, or the physical presence in any motor vehicle or other means of conveyance owned, leased, or contracted by such school to transport students to or from school or a school-related activity when persons under the age of eighteen years are present on the school property or in a school vehicle.
(b) Going in, on, or within one thousand feet of a day care

facility, playground, public or private youth center, public swimming pool, or free-standing video arcade facility.

(c) Physically residing within one thousand feet of any public

or private elementary or secondary school, day care facility, playground, public or private youth center, public swimming

pool, or free-standing video arcade facility.

(d) Communicating, either in written or oral form, with the victim or a family member of the victim, unless the victim

consents to such communication in writing.

(2) (3)(a) It shall not be a violation of Subsection(D)(1)(a) or <u>Subsection</u> (D)(2)(a) of this Section if the offender has permission to be present on school premises from the superintendent of the school board in the case of a public school or the principal or headmaster in the case of a private school.

(b) If permission is granted to an offender to be present on public school property by the superintendent for that public school pursuant to this Paragraph, then the superintendent shall notify the principal at least twenty-four hours in advance of the visit by the

offender. This notification shall include the nature of the visit and the date and time in which the sex offender will be present in the school. The offender shall notify the office of the principal upon arrival on the school property and upon departing from the school. If the offender is to be present in the vicinity of children, the offender shall remain under the direct supervision of a school official.

(3) (4) For purposes of this Subsection:
(a) "School property" means any property used for school purposes, including but not limited to school buildings, playgrounds, and parking lots.

(b) "Sexual offender" means a person defined as a sex offender

in R.S. 15:536(A).

(4) (5) Whoever violates the provisions of this Subsection shall have his probation, parole or suspension of sentence revoked and shall be fined not more than one thousand dollars or imprisoned for not more than six months, or both.

(5) (6) Notwithstanding the provisions of this Subsection, a requirement that a defendant not go in, on, or within one thousand feet of certain premises does not apply to a defendant while the defendant is in or going immediately to or from a:

(a) Community supervision and corrections department office;

- (b) Premises at which the defendant is participating in a program, activity or work required as a condition of community supervision;
- (c) Residential facility in which the defendant is required to reside as a condition of community supervision, if the facility was in operation as a residence for defendants on community supervision on June 1, 2004; or
- (d) Private residence at which the defendant is required to reside as a condition of community supervision."

On motion of Senator N. Gautreaux, the amendments were adopted.

The bill was read by title. Senator Schedler moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Dupre	Malone
Amedee	Ellington	Marionneaux
Bajoie	Fields	McPherson
Barham	Fontenot	Michot
Boasso	Gautreaux B	Mount
Broome	Gautreaux N	Murray
Cain	Heitmeier	Nevers
Chaisson	Hollis	Romero
Cheek	Jackson	Schedler
Cravins	Jones	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Lentini	
Total - 35		
	NAVS	

Total - 0

ABSENT

Ullo Mr. President

Total - 2

The Chair declared the amended bill was passed. The title was read and adopted. Senator Schedler moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Personal Privilege

Senator Ullo asked for and obtained the floor of the Senate on a point of personal privilege, and stated Ullo appeared as absent on the vote on House Bill No. 17. He had intended to vote yea on the bill. He asked that the Official Journal so state.

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June 7, 2005

Mr. President in the Chair

HOUSE BILL NO. 20—
BY REPRESENTATIVES STRAIN AND SCHNEIDER AN ACT

To enact R.S. 40:989.1, relative to controlled dangerous substances; to create the crime of the unlawful production, manufacture, distribution, or possession of a material, compound, mixture, or preparation intended for human consumption which contains a hallucinogenic plant; to provide for definitions; to provide for penalties; to provide for exceptions; and to provide for related

The bill was read by title. Senator Schedler moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Hollis	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo

Total - 36

NAYS

Total - 0

ABSENT

Heitmeier Total - 1

The Chair declared the bill was passed. The title was read and adopted. Senator Schedler moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 27-

BY REPRESENTATIVE GEYMANN AN ACT

To To amend and reenact R.S. 33:2201(B)(16), relative to financial security for surviving spouses and children of law enforcement officers; to include constables of justice of the peace courts and their deputies as law enforcement officers for purposes of benefit payments to survivors; and to provide for related

The bill was read by title. Senator Ellington moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre Ellington	Marionneaux
Adley	Ellington	McPherson
Amedee	Fields	Michot
Bajoie	Fontenot	Mount
Barham	Gautreaux B	Murray
Boasso	Gautreaux N	Nevers
Broome	Heitmeier	Romero
Cain	Hollis	Schedler

25th DAY'S PROCEEDINGS

Chaisson Cheek Cravins Dardenne Duplessis Total - 37	Jackson Jones Kostelka Lentini Malone	Smith Theunissen Ullo
Total - 37	NAYS	

Total - 0

ABSENT

Total - 0

The Chair declared the bill was passed. The title was read and adopted. Senator Ellington moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 32— BY REPRESENTATIVE ANSARDI

AN ACT

To amend and reenact Children's Code Article 423(A)(2), relative to hearing officers; to provide for the acceptance of agreements reached in court-ordered mediation; and to provide for related

The bill was read by title. Senator Lentini moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Marionneaux
Adley	Dupre Ellington	McPherson
Amedee	Fields	Michot
Bajoie	Fontenot	Mount
Barham	Gautreaux B	Murray
Boasso	Gautreaux N	Nevers
Broome	Heitmeier	Romero
Cain	Hollis	Schedler
Chaisson	Jackson	Smith
Cheek	Jones	Theunissen
Cravins	Kostelka	Ullo
Dardenne	Lentini	
Duplessis	Malone	
Total - 37		

NAYS

Total - 0

ABSENT

Total - 0

The Chair declared the bill was passed. The title was read and adopted. Senator Lentini moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 44— BY REPRESENTATIVE MORRELL

AN ACT
To amend and reenact R.S. 13:3886(B)(1), relative to fees charged by the sheriff for issuance of notice of seizure on specific immovable property or fixtures located thereon; to increase the fees for notice given by mail; to increase the fees for service of the notice; and to provide for related matters.

The bill was read by title. Senator Murray moved the final passage of the bill.

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ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Amedee Bajoie Broome Chaisson	Fields Fontenot Gautreaux B Gautreaux N Heitmeier	McPherson Michot Mount Murray Nevers
Cheek	Hollis	Romero
Cravins	Jackson	Schedler
Dardenne	Jones	Smith
Duplessis	Kostelka	Theunissen
Dupre	Lentini	Ullo
Ellington	Malone	

Total - 32

NAYS

Barham Cain Marionneaux

Total - 3

ABSENT

Adley Total - 2 Boasso

The Chair declared the bill was passed. The title was read and adopted. Senator Murray moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 81— BY REPRESENTATIVE TUCKER

AN ACT

To enact R.S. 28:53.2(B)(5), relative to an order for custody; to provide for the contents of the order; and to provide for related

On motion of Senator Heitmeier, the bill was read by title and returned to the Calendar, subject to call.

HOUSE BILL NO. 126-

BY REPRESENTATIVE MONTGOMERY

AN ACT

To amend and reenact R.S. 33:1448.1(A), (B)(introductory paragraph), (C)(1) and (2), (D), (E), and (G)(1) and (2), relative to the Bossier Parish Retired Employees Insurance Fund; to provide relative to eligible retired sheriffs and retired deputy sheriffs; to increase the total amount of principal and earnings in the Bossier Parish Retired Employees Insurance Fund; to provide for the limitations on withdrawal and appropriation of monies; to provide for limitations on equity and fixed income investments; to provide for the membership and election of the investment advisory board and the filling of vacancies thereon; and to provide for related matters.

The bill was read by title. Senator Adley moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Marionneaux
Adley	Ellington	McPherson
Amedee	Fields	Michot
Bajoie	Fontenot	Mount
Barham	Gautreaux B	Murray
Boasso	Gautreaux N	Nevers
Broome	Heitmeier	Romero
Cain	Hollis	Schedler
Chaisson	Jackson	Smith

Cheek	Jones	Theunissen
Cravins	Kostelka	Ullo
Dardenne	Lentini	

Malone Duplessis Total - 37

NAYS

Total - 0

ABSENT

Total - 0

The Chair declared the bill was passed. The title was read and adopted. Senator Adley moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Rules Suspended

Senator Ullo asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

Introduction of Resolutions, **Senate and Concurrent**

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Resolutions, Senate and Concurrent, a first and second time and acting upon them as follows:

SENATE RESOLUTION NO. 122— BY SENATOR CAIN

A RESOLUTION
To urge and request the Senate Committee on Insurance to meet and study ways to increase the affordability and availability of workers' compensation insurance for farmers and the possible effects of excluding certain farming operations from mandatory workers' compensation insurance.

On motion of Senator Cain, the resolution was read by title and referred to the Committee on Insurance.

SENATE RESOLUTION NO. 123—

BY SENATOR HINES

A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana upon the death of Dr. David S. Post.

On motion of Senator Hines, the resolution was read by title and adopted.

SENATE CONCURRENT RESOLUTION NO. 92—

BY SENATOR DUPRE AND REPRESENTATIVE PITRE A CONCURRENT RESOLUTION

To recognize and commend Regina Galjour, a civics educator at South Lafourche High School, upon being selected to participate as a Practitioner of Legislative Civic Education in the "Appreciating Legislatures" pilot program.

The resolution was read by title. Senator Dupre moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Malone
Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Barham	Gautreaux B	Mount
Boasso	Gautreaux N	Murray
Broome	Heitmeier	Nevers

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CainHollisRomeroChaissonJacksonSchedlerCheekJonesSmithCravinsKostelkaTheunissenDardenneLentiniUllo

Total - 36

NAYS

Total - 0

ABSENT

Duplessis Total - 1

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 93— BY SENATOR HINES AND REPRESENTATIVE M. GUILLORY A CONCURRENT RESOLUTION

To recognize and commend Deborah Tatman, a civics educator at Eunice High School, upon being selected to participate as a Practitioner of Legislative Civic Education in the "Appreciating Legislatures" pilot program.

The resolution was read by title. Senator Hines moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Marionneaux
Adley	Dupre Ellington	McPherson
Amedee	Fields	Michot
Bajoie	Fontenot	Mount
Barham	Gautreaux B	Murray
Boasso	Gautreaux N	Nevers
Broome	Heitmeier	Romero
Cain	Hollis	Schedler
Chaisson	Jackson	Smith
Cheek	Jones	Theunissen
Cravins	Kostelka	Ullo
Dardenne	Lentini	
Duplessis	Malone	

Total - 37

NAYS

Total - 0

ABSENT

Total - 0

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 94—BY SENATORS HINES, BAJOIE AND CHEEK

A CONCURRENT RESOLUTION

To commend the Together L AccessTM Prescription Savings Program for developing a system whereby Louisiana residents, who are without prescription drug coverage, may afford needed medications.

The resolution was read by title. Senator Hines moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

25th DAY'S PROCEEDINGS

Mr. President	Ellington	Marionneaux
Adley	Fields	McPherson
Amedee	Fontenot	Michot
Bajoie	Gautreaux B	Mount
Barham	Gautreaux N	Murray
Boasso	Heitmeier	Nevers
Cain	Hollis	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Dupre	Malone	

Total - 35

NAYS

Total - 0

ABSENT

Broome Total - 2 Duplessis

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 95— BY SENATOR HOLLIS AND REPRESENTATIVE LABRUZZO A CONCURRENT RESOLUTION

To recognize and commend Jamie Staub, a civics educator at Grace King High School in Metairie, upon being selected to participate as a Practitioner of Legislative Civic Education in the "Appreciating Legislatures" pilot program.

The resolution was read by title. Senator Hollis moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre Ellington	Malone
Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Barham	Gautreaux B	Mount
Boasso	Gautreaux N	Murray
Cain	Heitmeier	Nevers
Chaisson	Hollis	Romero
Cheek	Jackson	Schedler
Cravins	Jones	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Lentini	Ullo

Total - 36

NAYS

Total - 0

ABSENT

Broome Total - 1

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 96—

BY SENATOR BAJOIE

A CONCURRENT RESOLUTION

To commend Josephine Eli and Harold Fontenette for being the first two African-American students to pursue undergraduate higher educational studies, in 1958, at the Louisiana State University in New Orleans (LSUNO).

The resolution was read by title. Senator Bajoie moved to adopt the Senate Concurrent Resolution.

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ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Malone
Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Barham	Gautreaux B	Mount
Boasso	Gautreaux N	Murray
Cain	Heitmeier	Nevers
Chaisson	Hollis	Romero
Cheek	Jackson	Schedler
Cravins	Jones	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Lentini	Ullo
Duplessis Total - 36		

NAYS

Total - 0

ABSENT

Broome Total - 1

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 97—
BY SENATORS BOASSO AND SCHEDLER AND REPRESENTATIVE CROWE

A CONCURRENT RESOLUTION

To recognize and commend Drena Hutchinson, a civics educator at Slidell High School, upon being selected to participate as a Practitioner of Legislative Civic Education in the "Appreciating Legislatures" pilot program.

The resolution was read by title. Senator Boasso moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

NAYS

Total - 0

ABSENT

Broome Total - 1

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 98—

BY SENATORS DARDENNE AND FONTENOT AND REPRESENTATIVE BEARD

A CONCURRENT RESOLUTION

To recognize and commend Nancy Ensminger, a civics educator at Parkview Baptist School in Baton Rouge, upon being selected to participate as a Practitioner of Legislative Civic Education in the "Appreciating Legislatures" pilot program.

The resolution was read by title. Senator Dardenne moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Malone
Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Barham	Gautreaux B	Mount
Boasso	Gautreaux N	Murray
Cain	Heitmeier	Nevers
Chaisson	Hollis	Romero
Cheek	Jackson	Schedler
Cravins	Jones	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Lentini	Ullo

Total - 36

NAYS

Total - 0

ABSENT

Broome Total - 1

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 99— BY SENATOR ULLO AND REPRESENTATIVE DAMICO A CONCURRENT RESOLUTION

To recognize and commend Wade Price, a civics educator at John Ehret High School in Marrero, upon being selected to participate as a Practitioner of Legislative Civic Education in the "Appreciating Legislatures" pilot program.

The resolution was read by title. Senator Ullo moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Dragidant	Dummo	Malana
Mr. President	Dupre	Malone
Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Barham	Gautreaux B	Mount
Boasso	Gautreaux N	Murray
Cain	Heitmeier	Nevers
Chaisson	Hollis	Romero
Cheek	Jackson	Schedler
Cravins	Jones	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Lentini	Ullo

Total - 36

NAYS

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25th DAY'S PROCEEDINGS

ABSENT

Broome Total - 1

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 100— BY SENATOR MALONE AND REPRESENTATIVE JANE SMITH A CONCURRENT RESOLUTION

To recognize and commend Lindsey Bruno, a civics educator at Airline High School in Bossier City, upon being selected to participate as a Practitioner of Legislative Civic Education in the "Appreciating Legislatures" pilot program.

The resolution was read by title. Senator Malone moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Malone
Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Barham	Gautreaux B	Mount
Boasso	Gautreaux N	Murray
Cain	Heitmeier	Nevers
Chaisson	Hollis	Romero
Cheek	Jackson	Schedler
Cravins	Jones	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Lentini	Ullo

Total - 36

NAYS

Total - 0

ABSENT

Broome Total - 1

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 101— BY SENATOR MCPHERSON A CONCURRENT RESOLUTION

To create and provide for the Prescription Medication Donation Task Force to examine the issue of the donation by health care providers to charitable pharmacies of previously prescribed, but unused, prescription medications.

On motion of Senator McPherson, the resolution was read by title and referred to the Committee on Health and Welfare.

SENATE CONCURRENT RESOLUTION NO. 102— BY SENATOR MCPHERSON AND REPRESENTATIVE CURTIS A CONCURRENT RESOLUTION

To recognize and commend Joel Stevison, an educator at Alexandria Middle Magnet School, upon being selected to participate as a Practitioner of Legislative Civic Education in the "Appreciating Legislatures" pilot program.

The resolution was read by title. Senator McPherson moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Malone
Adley	Dupre Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Barham	Gautreaux B	Mount
Boasso	Gautreaux N	Murray
Cain	Heitmeier	Nevers
Chaisson	Hollis	Romero
Cheek	Jackson	Schedler
Cravins	Jones	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Lentini	Ullo

Total - 36

NAYS

Total - 0

ABSENT

Broome Total - 1

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

CONCURRING IN SENATE CONCURRENT RESOLUTIONS

June 7, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 26—

BY SENATOR ADLEY

A CONCURRENT RESOLUTION

To direct the appropriate state agencies to take action to implement and enforce the law on delivery sales of cigarettes.

Reported with amendments.

SENATE CONCURRENT RESOLUTION NO. 90—BY SENATOR BARHAM

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to inquire into the status of and pursue the expeditious resolution of the third nomination for the Medal of Honor of U.S. Army Colonel David

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 91— BY SENATORS JONES AND KOSTELKA AND REPRESENTATIVE THOMPSON

A CONCURRENT RESOLUTION

To recognize and commend Mary Ann Riddle, an educator at Ouachita Parish High School in Monroe, upon being selected to participate as a Practitioner of Legislative Civic Education in the Appreciating Legislatures" pilot program.

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Reported without amendments.

Respectfully submitted, ALFRED W. SPEER Clerk of the House of Representatives

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

June 7, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

HOUSE BILL NO. 644— BY REPRESENTATIVE BARROW

AN ACT

To repeal Children's Code Article 616(E), relative to child abuse; to repeal certain provisions relative to the disposition of reports and investigations of child abuse.

HOUSE BILL NO. 69— BY REPRESENTATIVES TUCKER, SCALISE, AND WALSWORTH

AN ACT
To amend and reenact R.S. 22:1425(A), (B), and (C)(3) and (5) and to repeal Section 2 of Act 770 of the 2004 Regular Session, relative to automobile liability insurance; to provide for military personnel; to provide for discounts; to provide for premium tax credits; and to provide for related matters.

HOUSE BILL NO. 154— BY REPRESENTATIVE PITRE

AN ACT

To amend and reenact R.S. 33:4833, 4834, and 4835, relative to municipal ordinances; to prohibit certain municipalities from enacting ordinances forbidding fishermen or their employees from peddling in public places; to provide for regulations; and to provide for related matters.

HOUSE BILL NO. 478— BY REPRESENTATIVE HEATON

AN ACT

To amend and reenact R.S. 11:1386, relative to the judges' noncontributory plan; to provide a two percent cost-of-living adjustment for judges who did not opt to become members of the Louisiana State Employees' Retirement System and for surviving spouses of such judges; to provide an effective date; and to provide for related matters.

HOUSE BILL NO. 481— BY REPRESENTATIVE ARNOLD

AN ACT

To amend and reenact R.S. 47:1925.1, 1925.2(A)(1), and 1925.3(A), to enact R.S. 47:1925.8, and to repeal R.S. 47:1925.2(A)(3), relative to the Board of Assessors for Orleans Parish; to provide for the financing of the Board of Assessors for Orleans Parish; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 519— BY REPRESENTATIVE MCVEA

AN ACT

To amend and reenact R.S. 11:82(A)(8), relative to ad valorem tax contributions for the Teachers' Retirement System of Louisiana; to provide for allocation of the ad valorem taxes remitted from

the parish of East Baton Rouge and dedicated to the system; to provide for the division of the taxes among the school systems located completely within the parish; to require the school boards to file a formula for calculation of this division with the retirement system and the parish assessor; and to provide for related matters.

HOUSE BILL NO. 682— BY REPRESENTATIVE GEYMANN

AN ACT
To amend and reenact R.S. 11:103(A), (B)(1), and (C), and to enact
R.S. 11:103(E) and 108, relative to statewide retirement systems; to provide for contributions; to provide for actuarial soundness and funding of the systems; to provide for a funding review panel; to provide relative to actuarial assumptions; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 826-

BY REPRESENTATIVE ERDEY

AN ACT

To enact R.S. 33:2740.62, relative to Livingston Parish; to authorize the governing authority of the parish to levy and collect a documentary transaction tax; to provide for the maximum amount that may be levied; to provide for penalties; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 273— BY REPRESENTATIVE ARNOLD

A JOINT RESOLUTION

Proposing to amend Article VII, Section 23(C) of the Constitution of Louisiana, to limit certain increases in millage rates; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

HOUSE BILL NO. 274— BY REPRESENTATIVE ARNOLD

AN ACT

To amend and reenact R.S. 47:1705(B), relative to ad valorem taxes; to limit the ability of taxing authorities to increase ad valorem tax millages; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 778-

BY REPRESENTATIVE HEATON

AN ACT

To enact R.S. 2:135.1(A)(4), relative to the lease of certain airport facilities; to exempt certain leases from the provisions on leases of public lands; to require the governing authority of certain airports to meet certain requirements; and to provide for related matters.

HOUSE BILL NO. 71—
BY REPRESENTATIVES BRUCE AND PINAC
AN ACT

To enact R.S. 37:3393(H)(7), relative to real estate appraisers; to provide for an exemption from license requirements; and to provide for related matters.

> Respectfully submitted, ALFRED W. SPEER Clerk of the House of Representatives

House Bills and Joint Resolutions

Senator Bajoie asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just received from the House of Representatives with the view of acting on the same:

HOUSE BILL NO. 69— BY REPRESENTATIVES TUCKER, SCALISE, AND WALSWORTH

AN ACT To amend and reenact R.S. 22:1425(A), (B), and (C)(3) and (5) and to repeal Section 2 of Act 770 of the 2004 Regular Session, relative to automobile liability insurance; to provide for military

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personnel; to provide for discounts; to provide for premium tax credits; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 71–

BY REPRESENTATIVES BRUCE AND PINAC

AN ACT

To enact R.S. 37:3393(H)(7), relative to real estate appraisers; to provide for an exemption from license requirements; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Commerce, Consumer Protection, and International Affairs.

HOUSE BILL NO. 154— BY REPRESENTATIVE PITRE

AN ACT
To amend and reenact R.S. 33:4833, 4834, and 4835, relative to municipal ordinances; to prohibit certain municipalities from enacting ordinances forbidding fishermen or their employees from peddling in public places; to provide for regulations; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 273-

BY REPRESENTATIVE ARNOLD

A JOINT RESOLUTION

Proposing to amend Article VII, Section 23(C) of the Constitution of Louisiana, to limit certain increases in millage rates; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 274-

BY REPRESENTATIVE ARNOLD

AN ACT

To amend and reenact R.S. 47:1705(B), relative to ad valorem taxes; to limit the ability of taxing authorities to increase ad valorem tax millages; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 478— BY REPRESENTATIVE HEATON

AN ACT

To amend and reenact R.S. 11:1386, relative to the judges' noncontributory plan; to provide a two percent cost-of-living adjustment for judges who did not opt to become members of the Louisiana State Employees' Retirement System and for surviving spouses of such judges; to provide an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 481— BY REPRESENTATIVE ARNOLD

AN ACT

To amend and reenact R.S. 47:1925.1, 1925.2(A)(1), and 1925.3(A), to enact R.S. 47:1925.8, and to repeal R.S. 47:1925.2(A)(3), relative to the Board of Assessors for Orleans Parish; to provide for the financing of the Board of Assessors for Orleans Parish; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

25th DAY'S PROCEEDINGS

HOUSE BILL NO. 519—

BY REPRESENTATIVE MCVEA

AN ACT

To amend and reenact R.S. 11:82(A)(8), relative to ad valorem tax contributions for the Teachers' Retirement System of Louisiana; to provide for allocation of the ad valorem taxes remitted from the parish of East Baton Rouge and dedicated to the system; to provide for the division of the taxes among the school systems located completely within the parish; to require the school boards to file a formula for calculation of this division with the retirement system and the parish assessor; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 644— BY REPRESENTATIVE BARROW

AN ACT

To repeal Children's Code Article 616(E), relative to child abuse; to repeal certain provisions relative to the disposition of reports and investigations of child abuse.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 682-

BY REPRESENTATIVE GEYMANN

AN ACT

To amend and reenact R.S. 11:103(A), (B)(1), and (C), and to enact R.S. 11:103(E) and 108, relative to statewide retirement systems; to provide for contributions; to provide for actuarial soundness and funding of the systems; to provide for a funding review panel; to provide relative to actuarial assumptions; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 778-

BY REPRESENTATIVE HEATON

AN ACT

To enact R.S. 2:135.1(A)(4), relative to the lease of certain airport facilities; to exempt certain leases from the provisions on leases of public lands; to require the governing authority of certain airports to meet certain requirements; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 826-

BY REPRESENTATIVE ERDEY

AN ACT

To enact R.S. 33:2740.62, relative to Livingston Parish; to authorize the governing authority of the parish to levy and collect a documentary transaction tax; to provide for the maximum amount that may be levied; to provide for penalties; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

ASKING CONCURRENCE IN HOUSE CONCURRENT RESOLUTIONS

June 7, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

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HOUSE CONCURRENT RESOLUTION NO. 138— BY REPRESENTATIVES GARY SMITH, FARRAR, MONTGOMERY, R. CARTER, FAUCHEUX, GALLOT, SHEPHERD, AND WHITE A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to make permanent the increases in Servicemembers' Group Life Insurance coverage and the Death Gratuity benefits to provide financial security of survivors of members of the Louisiana National Guard and other servicemembers who make the ultimate sacrifice with their lives while serving our country and the state of Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 158— BY REPRESENTATIVE GALLOT A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study and make recommendations to the legislature on the duties of notaries public with regard to registry and recordation of their acts and the means by which the identification of notaries and witnesses to their acts may be assured for the public benefit under the Louisiana public records doctrine.

HOUSE CONCURRENT RESOLUTION NO. 147—BY REPRESENTATIVE BURNS

A CONCURRENT RESOLUTION

To urge and request the Department of Labor to allow for the creation and development of e-learning programs for activities allowed under the Incumbent Worker Training Program.

> Respectfully submitted, ALFRED W. SPEER Clerk of the House of Representatives

Rules Suspended

Senator Heitmeier asked for and obtained a suspension of the rules for the purpose of taking up at this time.

House Concurrent Resolutions on Second Reading, Subject to Call

The following House Concurrent Resolutions were read and acted upon as follows:

Called from the Calendar

Senator Heitmeier asked that House Concurrent Resolution No. 153 be called from the Calendar at this time.

HOUSE CONCURRENT RESOLUTION NO. 153— BY REPRESENTATIVE TOOMY AND SENATOR HEITMEIER A CONCURRENT RESOLUTION

To commend B.H. Miller, Jr. upon his retirement as Police Chief from the Gretna Police Department and to recognize the efforts he has made in consistently finding ways to improve and serve the community at large through his many achievements.

The resolution was read by title. Senator Heitmeier moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Malone
Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Barham	Gautreaux B	Mount
Boasso	Gautreaux N	Murray
Cain	Heitmeier	Nevers
Chaisson	Hollis	Romero

Cheek Jackson Schedler Cravins Jones Smith Dardenne Kostelka Theunissen Duplessis Lentini Ullo

Total - 36

NAYS

Total - 0

ABSENT

Broome

Total - 1

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

JUDICIARY A

Senator Lentini, Chairman on behalf of the Committee on Judiciary A, submitted the following report:

June 7, 2005

To the President and Members of the Senate:

I am directed by your Committee on Judiciary A to submit the following report:

HOUSE CONCURRENT RESOLUTION NO. 105—

BY REPRESENTATIVE WINSTON
A CONCURRENT RESOLUTION

To continue and provide with respect to the Task Force on Legal Representation in Child Protection Cases created in the 2003 Regular Session pursuant to House Concurrent Resolution No. 44 and continued in the 2004 Regular Session pursuant to House Concurrent Resolution No. 59.

Reported with amendments.

HOUSE CONCURRENT RESOLUTION NO. 118— BY REPRESENTATIVE CROWE A CONCURRENT RESOLUTION

To urge and request the clerks of court and recorders of mortgages to employ computer software to redact the first five digits of social security numbers appearing on any recorded document which is to be made available to the public over the Internet.

Reported with amendments.

HOUSE BILL NO. 18— BY REPRESENTATIVE JOHN SMITH

AN ACT

To enact R.S. 13:961(F)(1)(o), relative to court reporter fees in the Thirty-Sixth Judicial District Court; to provide for determination of fees in all cases by the court; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 91-

BY REPRESENTATIVE ANSARDI

AN ACT

To amend and reenact Chapters 1, 2, and 3 of Title VII of Book I of the Civil Code, presently comprised of Articles 178 through 211, to be comprised of Chapters 1 and 2 of Title VII of Book I of the Civil Code, consisting of Articles 184 through 198, relative to the filiation of parents and children; to provide for the proof of maternity and paternity; to provide for the presumptions of paternity; to provide for disavowal of paternity; to provide for

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HOUSE CONCURRENT RESOLUTION NO. 21— BY REPRESENTATIVE WALKER AND SENATOR SCHEDLER A CONCURRENT RESOLUTION the contestation of paternity; to provide for an acknowledgment of paternity; to provide for the avowal action; to provide for the exceptional action of paternity; and to provide for related

Reported with amendments.

HOUSE BILL NO. 138— BY REPRESENTATIVES HUTTER AND MCDONALD AN ACT

To enact R.S. 9:2801(C), relative to the award of attorney fees in a community property partition; to provide that the court may award attorney fees when a party fails to comply with the time limits in a community property partition; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 166—

BY REPRESENTATIVES MCDONALD AND THOMPSON AND SENATOR BARHAM

AN ACT

To amend and reenact R.S. 13:2606, relative to justice of the peace courts in West Carroll Parish; to provide for the territorial jurisdiction of the justice of the peace districts; to provide for election of justices of the peace from the new districts; to provide for the territorial jurisdiction of the justice of the peace courts if the police jury district lines are changed; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 576-

BY REPRESENTATIVE LAMBERT AN ACT

To enact R.S. 6:332 and 333(F)(16), relative to financial records; to provide relative to the disclosure of such records; to provide relative to attorney trust or escrow accounts; to authorize overdraft notification to the office of disciplinary counsel for the Louisiana Attorney Disciplinary Board; to provide for limitation of liability; and to provide for related matters.

Reported with amendments.

Respectfully submitted, ARTHUR J. "ART" LENTINI Chairman

Rules Suspended

Senator Cain asked for and obtained a suspension of the rules for the purpose of hearing Senate Resolution No. 122 in the Committee on Insurance without the required 24 hour notice.

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

June 7, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 17— BY REPRESENTATIVE SCHNEIDER AND SENATOR SCHEDLER A CONCURRENT RESOLUTION

To urge and request the Governor's Office of Elderly Affairs to develop a comprehensive Internet site with information and resources focused on enhancing and improving the lives of Louisiana's elderly population.

25th DAY'S PROCEEDINGS

To authorize and direct the Louisiana Commission on Employment of Mental Health Consumers to study and develop a plan to address barriers that prevent persons with mental illness from seeking, obtaining, and maintaining employment.

HOUSE CONCURRENT RESOLUTION NO. 28— BY REPRESENTATIVE TUCKER A CONCURRENT RESOLUTION

To authorize and request a divided vote Medicare referendum option for state employees who are members of any state or statewide retirement system and who were hired before April 1, 1986.

HOUSE CONCURRENT RESOLUTION NO. 62—

BY REPRESENTATIVE CRAVINS A CONCURRENT RESOLUTION

To direct the clerk of the House of Representatives and the secretary of the Senate, upon the death of a legislator, to notify the office of facility planning and control within the division of administration of the death of the legislator; to direct the office of facility planning and control within the division of administration to expeditiously notify the clerk of the House of Representatives and the secretary of the Senate about any capital outlay requests the deceased legislator had submitted for inclusion in the capital outlay budget or Capital Outlay Bill for the current fiscal year and for the next fiscal year; and to direct the clerk of the House of Representatives and the secretary of the Senate, upon receipt of such information from the office of facility planning and control, to notify in a timely manner each legislator who represents in whole or in part the area formerly represented by the deceased legislator about any such capital outlay requests submitted by the deceased legislator.

HOUSE CONCURRENT RESOLUTION NO. 76—

BY REPRESENTATIVES ALARIO, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BARROW, BAUDOIN, BAYLOR, BEARD, BOWLER, BRUCE, BRUNEAU, BURNS, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CRAVINS, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FRITH, GALLOT, GEYMANN, GLOVER, GRAY, GREENE, E. GUILLORY, M. GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNARD, KENNEY, KLECKLEY, LABRUZZO, LAFLEUR, LAFONTA, LAMBERT, LANCASTER, MARCHAND, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRISH, ODINET, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROBIDEAUX, ROMERO, SALTER, SCALISE, SCHNEIDER, SHEPHERD, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, WOOTON, AND WRIGHT AND SENATORS ADLEY, AMEDEE, BARHAM, BOASSO, BROOME, CAIN, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAUX, HEITMEIER, HINES, HOLLIS, JACKSON, JONES, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, ROMERO, SCHEDLER, SMITH, THEUNISSEN, AND ULLO

A CONCURRENT RESOLUTION

To authorize and direct the Department of Health and Hospitals to rename the New Orleans Home and Rehabilitation Center as the John J. Hainkel, Jr. Home and Rehabilitation Center.

HOUSE CONCURRENT RESOLUTION NO. 84-

BY REPRESENTATIVES DOVE AND BALDONE AND SENATORS DUPRE AND B. GAUTREAUX

A CONCURRENT RESOLUTION

To memorialize the United States Congress and the Louisiana congressional delegation to approve funding for deepening the Houma Navigation Canal, including funding efforts to make beneficial use of the dredge material for embankment stabilization.

HOUSE CONCURRENT RESOLUTION NO. 113—BY REPRESENTATIVE PITRE

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to grant permission to the Lafourche Parish governing authority to install and maintain, at the parish's expense, flashing red lights above stop signs at certain

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intersections along Louisiana Highway 3235 in Ward 10 of Lafourche Parish.

and asked that the President of the Senate affix his signature to the

Respectfully submitted, ALFRED W. SPEER Clerk of the House of Representatives

The House Concurrent Resolutions contained herein were signed by the President of the Senate.

Message from the House

SIGNED HOUSE BILLS AND JOINT RESOLUTIONS

June 7, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Bills and Joint Resolutions:

HOUSE BILL NO. 5—

BY REPRESENTATIVES BAUDOIN, ALARIO, ALEXANDER, ARNOLD, BADON, BARROW, BAYLOR, BRUCE, BURNS, R. CARTER, CRANE, CRAVINS, CURTIS, DARTEZ, DEWITT, DOERGE, DOVE, DURAND, ERDEY, FAUCHEUX, FRITH, GEYMANN, GLOVER, GREENE, F. GUILLORY, M. GUILLORY, HEBERT, JOHNS, KATZ, KLECKLEY, LAFLEUR, LAFONTA, LAMBERT, MARCHAND, MARTINY, MCDONALD, PIERRE, PITRE, T. POWELL, ROMERO, SCALISE, SCHNEIDER, SMILEY, GARY SMITH, JACK SMITH, ST. GERMAIN, STRAIN, TOWNSEND, TUCKER, WADDELL, WALKER, WHITE, WINSTON, WOOTON, AND WRIGHT

AN ACT
To amend and reenact R.S. 32:295.3(D), relative to leaving children unattended and unsupervised in motor vehicles; to provide for increased penalties; and to provide for related matters.

HOUSE BILL NO. 21-

BY REPRESENTATIVE HILL

AN ACT

To enact R.S. 33:4574.14, relative to the Allen Parish Tourist Commission; to provide for the payment of per diem to members of the commission; to limit the number of meetings for which per diem will be paid; and to provide for related matters.

HOUSE BILL NO. 106— BY REPRESENTATIVES JANE SMITH AND LAFLEUR

AN ACT

To amend and reenact Code of Criminal Procedure Articles 161(A)(introductory paragraph) and 163 and to enact Code of Criminal Procedure Article 163.1, relative to search warrants; to authorize the issuance of a search warrant to search a person for deoxyribonucleic acid (DNA) or other bodily samples; to provide for procedures for the execution of such warrants; and to provide for related matters.

HOUSE BILL NO. 127-

BY REPRESENTATIVES FRITH AND BALDONE AND SENATOR ROMERO

AN ACT

To enact R.S. 14:67.5, relative to theft; to create the crime of theft of crawfish; to define the offense; to provide for penalties; and to provide for related matters.

HOUSE BILL NO. 174-(Duplicate of Senate Bill No. 71) BY REPRESENTATIVE MONTGOMERY AND SENATOR ADLEY AN ACT

To enact R.S. 38:2212(A)(1)(d)(iii), relative to public contracts; to provide relative to certain contracts advertised and let by the Bossier Parish Police Jury; to increase the contract limit for certain contracts; to provide relative to certain restrictions; to authorize the contract limit to be adjusted annually to reflect inflation; to require the Bossier Parish Police Jury to publish the contract limit under certain circumstances; and to provide for related matters.

HOUSE BILL NO. 203— BY REPRESENTATIVES FAUCHEUX AND WALSWORTH

AN ACT
To amend and reenact R.S. 22:250.2(E)(2)(b) and to enact R.S. 22:250.2(E)(2)(a)(iv) and (c)(iii), relative to health insurance; to provide with respect to group health insurance coverage of a dependent previously enrolled in the Louisiana Children's Health Insurance Program; and to provide for related matters.

HOUSE BILL NO. 256—
BY REPRESENTATIVE DOVE AND SENATORS DUPRE AND B. GAUTREAUX

AN ACT
To amend and reenact R.S. 38:301(C)(1)(b) and to enact R.S. 38:301(C)(2)(g) and (3), relative to the Terrebonne Levee and Conservation District; to provide relative to the appropriation of property by the district; to provide relative to notification of property owners; to provide relative to challenges to an appropriation or compensation paid for appropriated property; and to provide for related matters.

HOUSE BILL NO. 270— BY REPRESENTATIVES ANSARDI AND MARTINY

AN ACT

To amend and reenact R.S. 32:411.1(E)(2), relative to the surrender of drivers' licenses; to authorize the issuance of temporary permits electronically under certain circumstances; to provide relative to certain requirements; and to provide for related matters.

HOUSE BILL NO. 311— BY REPRESENTATIVE SCHNEIDER

AN ACT

To amend and reenact R.S. 11:62(5)(e), 231(C), 403(introductory paragraph) and (5), 429, 441(A), 444(A)(1)(a), and 461(B), relative to benefits of the Louisiana State Employees' Retirement System; to provide for definitions; to provide for calculation of average compensation; to provide for calculation of benefits; to provide for eligibility to receive benefits; to provide relative to purchase of service credit to be used for benefit calculation; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 334— BY REPRESENTATIVE T. POWELL AND SENATOR NEVERS AN ACT

To amend and reenact R.S. 35:407 and to repeal R.S. 35:399, relative to ex officio notaries public; to provide that municipal police departments are exempt from giving bond for certain ex officio notaries; to repeal provisions providing for ex officio notaries of police departments; and to provide for related matters.

HOUSE BILL NO. 339-

BY REPRESENTATIVE PITRE

AN ACT

To authorize the Grand Isle Port Commission to use certain state property for seafood research; and to provide for related matters.

HOUSE BILL NO. 390— BY REPRESENTATIVES STRAIN, DANIEL, AND THOMPSON

AN ACT

To amend and reenact R.S. 38:421(B) through (F) and (I) through (K) and to enact R.S. 38:421(O), relative to the assessments and forced contribution of levee and drainage districts; to exempt certain produce and other commodities from the local assessment or forced contribution; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 452— BY REPRESENTATIVE DOERGE

AN ACT

To amend and reenact R.S. 40:1496(D), relative to certain fire protection districts located in more than one parish; to provide relative to qualifications of members of the boards of

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commissioners of such districts; and to provide for related

HOUSE BILL NO. 506— BY REPRESENTATIVE JOHN SMITH

AN ACT
To amend and reenact R.S. 35:392.1(B), relative to ex officio notaries public; to provide for the authority of a clerk of court and deputy clerk of court as ex officio notaries public; to provide for the validity of documents notarized by such ex officio notaries; and to provide for related matters.

HOUSE BILL NO. 548— BY REPRESENTATIVE THOMPSON AN ACT

To authorize and provide for the transfer of certain property in Richland Parish to the Department of Culture, Recreation and Tourism; and to provide for related matters.

HOUSE BILL NO. 570-

BY REPRESENTATIVES LAFONTA AND JEFFERSON AN ACT

To enact R.S. 29:41, relative to exposure to depleted uranium; to provide for definitions; to provide for screening of certain members of the armed forces of the United States; to provide for reports on training; to prohibit state funding of the costs of the testing; and to provide for related matters.

HOUSE BILL NO. 592— BY REPRESENTATIVE WALSWORTH

AN ACT To amend and reenact R.S. 49:314(B)(3), relative to appropriations from the Transportation Trust Fund; to change the time period for the attorney general to certify the constitutionality of appropriations from such fund prior to the expenditures of such revenues; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 618— BY REPRESENTATIVE FANNIN

AN ACT

To enact R.S. 40:1846(H), relative to liquefied petroleum gas; to provide an affirmative defense relative to liability for certain activities related to liquefied petroleum gas; to provide certain terms and conditions; and to provide for related matters.

HOUSE BILL NO. 717— BY REPRESENTATIVE MCDONALD

AN ACT

To enact Part XXXI of Chapter 13 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:3087.281 through 3087.294, to create the Bayou Desiard Lake Restoration Commission as a political subdivision of the state; to provide relative to the purpose and boundaries of the commission; to provide for a board of commissioners to manage the commission; to provide for powers and duties of the commission and board; to provide relative to the power of taxation and the issuance of bonds; to prohibit certain actions; to provide for penalties; to provide relative to the commission's relationship with the Department of Transportation and Development and the Louisiana Wildlife and Fisheries Commission; and to provide for related matters.

and asked that the President of the Senate affix his signature to the

Respectfully submitted, ALFRED W. SPEER Clerk of the House of Representatives

The House Bills and Joint Resolutions contained herein were signed by the President of the Senate.

25th DAY'S PROCEEDINGS

Privilege Report of the Committee on Senate and Governmental Affairs

ENROLLMENTS

Senator Jones, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

June 7, 2005

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Concurrent Resolutions have been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 2—

BY SENATOR HINES
A CONCURRENT RESOLUTION

To create and provide for the Bayou Boeuf Advisory Committee to study and make proposals to the Senate and House Committees on transportation, highways and public works relative to uses of Bayou Boeuf, and the feasibility of the creation of a freshwater district along Bayou Boeuf from Alexandria to Washington in the parishes of Rapides, Avoyelles, and St. Landry.

SENATE CONCURRENT RESOLUTION NO. 6— BY SENATOR SCHEDLER A CONCURRENT RESOLUTION

To urge and request the Senate Committee on Environmental Quality and the House Committee on the Environment to meet and function as a joint committee to study and make recommendations regarding recycling and disposal options relative to computers and other electronic equipment.

SENATE CONCURRENT RESOLUTION NO. 11—

BY SENATOR HEITMEIER

A CONCURRENT RESOLUTION

To urge and request the Louisiana Department of Transportation and Development to install traffic controls or reduce the speed limit on Louisiana Highway 406 (Woodland Highway) in Belle Chasse, Louisiana.

SENATE CONCURRENT RESOLUTION NO. 12—

BY SENATORS MOUNT, CAIN AND THEUNISSEN AND REPRESENTATIVES FRITH, GEYMANN, E. GUILLORY, HILL, JOHNS, KLECKLEY, MORRISH, PINAC AND JOHN SMITH

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to provide the necessary funding to restore Calcasieu Ship Channel in southwest Louisiana to its authorized dimensions in order that the economic, safety, and security concerns may be adequately addressed.

SENATE CONCURRENT RESOLUTION NO. 19—

BY SENATOR BAJOIE

A CONCURRENT RESOLUTION

To urge and request the office of public health, Department of Health and Hospitals to study the possibility of including fresh fruits, vegetables, and cut herbs purchased from any authorized WIC provider, as approved items to be purchased with WIC coupons.

SENATE CONCURRENT RESOLUTION NO. 20—

BY SENATOR BROOME
A CONCURRENT RESOLUTION

To urge and request the Department of Social Services to study the impact of the state's sliding fee scale on the availability, affordability, and the quality of child care services funded by the Child Care Development Fund.

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SENATE CONCURRENT RESOLUTION NO. 39— BY SENATOR ELLINGTON AND REPRESENTATIVE THOMPSON A CONCURRENT RESOLUTION

To urge and request the Louisiana Broadband Advisory Council to conduct public hearings in various locations across the state to ascertain supply and demand issues relative to broadband deployment.

SENATE CONCURRENT RESOLUTION NO. 46— BY SENATOR ELLINGTON AND REPRESENTATIVE THOMPSON A CONCURRENT RESOLUTION

To urge and request the Louisiana Broadband Advisory Council to convene a task force to develop a statewide E-Rate strategy to capture all possible E-Rate funds available to the state.

SENATE CONCURRENT RESOLUTION NO. 53— BY SENATOR FONTENOT

A CONCURRENT RESOLUTION

To urge and request the Louisiana Department of Environmental Quality to develop a strategy for the proper management of electronic discards, including making recommendations for the recovery of components from discarded electronics and for the reduction of landfilling or incinerating discarded electronics.

SENATE CONCURRENT RESOLUTION NO. 66— BY SENATORS NEVERS, BOASSO AND SCHEDLER AND REPRESENTATIVES RITCHIE AND STRAIN

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to permit public access to the West Pearl River Navigational Canal located in the parishes of St. Tammany and Washington and to extend the date scheduled for closure until such time that an alternate long-term solution can be determined.

SENATE CONCURRENT RESOLUTION NO. 69—BY SENATOR THEUNISSEN

A CONCURRENT RESOLUTION

To continue the Governor's Aviation Advisory Commission, as created by Senate Concurrent Resolution No. 78 of the 1997 Regular Šession of the Legislature and continued by Senate Concurrent Resolution No. 3 of the 2004 Regular Session of the Legislature, and to provide for its membership.

> Respectfully submitted, CHARLES D. JONES Chairman

The foregoing Senate Concurrent Resolutions were signed by the President of the Senate.

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

June 6, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 149— BY REPRESENTATIVE QUEZAIRE A CONCURRENT RESOLUTION

To commend Ms. Elinor Craven upon the occasion of her retirement after twenty-nine years of service to the people of Louisiana in the Office of State Parks, Department of Culture, Recreation and

HOUSE CONCURRENT RESOLUTION NO. 150-

BY REPRESENTATIVES BURRELL, ARNOLD, BALDONE, BARROW, BAUDOIN, BAYLOR, K. CARTER, CAZAYOUX, CURTIS, DARTEZ, DOERGE, DORSEY, DOVE, FARRAR, FRITH, GRAY, E. GUILLORY, HEBERT, HILL. HUNTER, KENNEY, LAFLEUR, LAFONTA, MARCHAND, MONTGOMERY, MORRELL, PIERRE, PITRE, M. POWELL, T. POWELL, RICHMOND, RITCHIE, ROMERO, SHEPHERD, GARY

SMITH, JANE SMITH, JOHN SMITH, THOMPSON, AND SALTER AND SENATOR JACKSON

A CONCURRENT RESOLUTION

To commend Albert Jojuan "Joey" Belle, a native Louisianian and outstanding baseball player, on being inducted into the Louisiana Sports Hall of Fame.

HOUSE CONCURRENT RESOLUTION NO. 152— BY REPRESENTATIVE MARCHAND A CONCURRENT RESOLUTION

commend and recognize Alpha Kappa Alpha Sorority, Incorporated as a gallant leader in anti-hazing efforts and to commend the organization for its vigorous position and concern for college and high school students affected by hazing.

HOUSE CONCURRENT RESOLUTION NO. 154—

BY REPRESENTATIVES SALTER, GALLOT, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BADDON, BALDONE, BARROW, BAUDOIN, BAYLOR, BEARD, BOWLER, BRUCE, BRUNEAU, BURNS, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CRAVINS, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FRITH, GEYMANN, GLOVER, GRAY, GREENE, E. GUILLORY, M. GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNARD, KENNEY, KLECKLEY, LABRUZZO, LAFLEUR, LAFONTA, LAMBERT, LANCASTER, MARCHAND, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRISH, ODINET, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROBIDEAUX, ROMERO, SCALISE, SCHNEIDER, SHEPHERD, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, WOOTON, AND WRIGHT AND SENATORS ADLEY, AMEDEE, BAJOIE, BARHAM, BOASSO, BROOME, CAIN, CHAISSON, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAUX, N. GAUTREAUX, HEITMEIER, HINES, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, ROMERO, SCHEDLER, SMITH, THEUNISSEN, AND ULLO

A CONCURRENT RESOLUTION

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the legislature upon the death of John Sidney Garrett and to record for posterity the enduring appreciation of the citizens of Louisiana for the singular contributions and achievements of Mr. Garrett, particularly during his twenty-four-year tenure as distinguished member of and four-year term as Speaker of the House of Representatives of the Legislature of Louisiana.

and asked that the President of the Senate affix his signature to the

Respectfully submitted, ALFRED W. SPEER Clerk of the House of Representatives

The House Concurrent Resolutions contained herein were signed by the President of the Senate.

Adjournment

Senator Bajoie moved that the Senate adjourn until Wednesday, June 8, 2005, at 1:30 o'clock P.M.

The President of the Senate declared the Senate adjourned until 1:30 o'clock P.M. on Wednesday, June 8, 2005.

> GLENN A. KOEPP Secretary of the Senate

GAYE F. HAMILTON Journal Clerk